

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2021/0331/F	CASE OFFICER	Tom Donnelly
LOCATION:	CROXTON Land to the North of Croxton House, The Street	APPNTYPE:	Full
		POLICY:	Out Settlement Bndry
APPLICANT:	Mr & Mrs Raker Croxton Park The Street	CONS AREA:	N
AGENT:	Maude + Edwards Architects Unit 1 Park Farm Business Centre	LB GRADE:	N
		TPO:	N
PROPOSAL:	Construction of single-storey eco-dwelling and landscaping scheme with ecological enhancements.		

REASON FOR COMMITTEE CONSIDERATION

This application was heard at Chairman's Panel and it was agreed that due to matters of significance it should be heard at Planning Committee.

KEY ISSUES

Principle of development
Impact on character and appearance
Impact on amenities
Biodiversity impact
Impact on parking provision and highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of a single storey eco-dwelling and landscaping scheme and ecological enhancements.

SITE AND LOCATION

The application site is situated on land to the North of Croxton House, The Street in Croxton. The site lies outside of any defined settlement boundary and is immediately adjacent to an SPA and SSSI. The site is open and undeveloped.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

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
HOU04	Villages with Boundaries
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions

NATURAL ENGLAND

No objections

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objection

CROXTON PARISH COUNCIL

No objections

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

ENVIRONMENT AGENCY

No Comments Received

CROXTON P C

No Comments Received

REPRESENTATIONS

The neighbour consultation period expired on 30-03-21.

Additionally, a site notice and press notice were posted which expired on 10-04-21 and 07-04-21 respectively.

7 letters of support and 2 letters of objection were received.

The letters of objection raised the following points:

- Design not innovative or outstanding
- Dwelling not sensitive to location
- Location outside settlement boundary
- Precedent for future development

The letters of support raised the following points:

- Improved value of community
- High quality of design
- Eco friendly development
- No negative impact on nearby properties
- Ecological benefits
- Energy efficient materials and designs

ASSESSMENT NOTES

1.0 Principle of development-

1.1 The proposal seeks the erection of a dwelling under paragraph 79(e) of the NPPF (2019). It is proposed that the dwelling is of an exceptional design. Paragraph 79 of the NPPF states 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply', including paragraph (e) which allows for the erection of dwellings in locations that would usually be unacceptable where the following criteria are satisfied:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

1.2 The application site is located outside of Croxton away from any designated settlement boundary with 1 neighbouring property to the south. However, the recent Bramshill Park case has been said to clarify what is meant by isolated dwellings in the NPPF. The case sets out that the crucial test in terms of isolation, according to the Bramshill House judgement, is whether the new buildings are remote from a settlement as opposed to other existing dwellings. On this basis the proposal is not considered to be isolated, due to its proximity to Croxton and other neighbouring properties and therefore would fail the first principle assessment

of not being able to be considered under paragraph 79 of the NPPF. Notwithstanding this, the proposal has further been considered under paragraph 79(e), as set out below.

1.3 The proposed dwelling is of a flat roof, box design, stretching across the site being of single storey with the palette of materials consisting of large glazed panels to its southern elevation, larch and cladding with flint panels and a sedum roof. There is limited information provided with regards to the build and structure but the design and materials proposed are common for modern buildings across the district and are certainly not innovative in to meet the extremely high bar set by criteria 1 of paragraph 79(e).

1.4 The renewable proposals as part of the design for net zero carbon, are welcomed, as set out in the submitted design and access statement, which states 'All walls, floors and roofs will be highly insulated, and the building airtightness will be beyond current Building Regulations to provide a high energy-efficient home. While a SAP test has not been undertaken at this time, the strategies outlined below along with a high standard of construction from the appointed builder aims to provide an A-rated building in both the energy-efficient category and the environmental impact score'. The proposals also include PV Solar Panels and a ground source heat pump, which could be conditioned. However, these technologies are again not innovative to warrant the proposal to benefit from paragraph 79(e) and the proposal has not been sufficiently assessed to demonstrate that these eco principles can actually be achieved. These are matters however, which can be taken into consideration in the determination of an application for a dwelling in this location, without needing to be a paragraph 79(e) dwelling.

1.4 The second criteria relates to the impact of the development on its immediate setting. The design and access statement states 'The proposed is driven by a strong concept of combining architecture with its setting. Stretching out across the landscape, the building takes on a pavilion archetype surrounded by trees; wildflower meadows and a wetland'. However, the site itself is a large open site, grassed and mowed with limited vegetation within the actual site. The matter for consideration under paragraph 79(e) is whether the proposal would 'significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'. The proposed design appears to try to limit the impact of the development through the scale of the building in terms of height and proposed landscaping, the latter arguably being an enhancement in this otherwise bland location. In order to be considered a paragraph 79(e) the proposal must also be sensitive to the defining characteristics of this area, which is an open and undeveloped parcel of land. The proposal introduces landscaping and built form which is currently not present in this location. Therefore, the proposals are considered alien to their setting and contrary to paragraph 79(e) in this regard.

1.5 The site is situated in the parish of Croxton, which is identified as a village without a boundary in the Breckland Local Plan (Adopted 2019). Policy HOU05 allows for development in such villages where set criteria are met. The key criteria is that the proposal would result in infill or rounding off, which is clearly not the case in this instance and therefore cannot be considered to be satisfied.

1.6 Policy JNP1 of the Croxton Brettenham and Kilverstone Neighbourhood Plan states:

'New development should reflect the existing form, character and vernacular design of the settlement within which it is located. Where possible new buildings should allow adequate space between buildings to reflect and complement the rural character of the area.'

The design of new residential development outside of the SUE (Sustainable Urban Extension) should deliver high quality design and not adversely impact on the essentially rural character and appearance of the parish. Any new dwelling, redevelopment or extension to a dwelling should be carefully designed to avoid conflicting with adjacent properties or landscape and should maintain the rural character.'

Development proposals should have careful regard to the height, layout, building line, massing, scale of existing development in the immediate area in particular; in particular, whilst the nature of the proposed development is a departure from traditional development, it is not considered that this policy is satisfied in terms of detracting from the rural character and appearance of the Parish'.

1.7 Paragraph 2 of the NPPF and Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Obviously, the NPPF is a significant material planning consideration in the determination of planning applications and therefore, as this dwelling is not isolated and not considered to meet the tests of paragraph 79(e) then it is recommended for refusal on this basis. However, it is also important to consider those other material considerations which this development includes, including the landscaping proposals and the desire to be an eco-dwelling through the use of insulation, solar and ground source heat pumps, which are matters which could be conditioned. In these terms the NPPF supports renewable and low carbon energy. Paragraph 154 for the NPPF states:

'When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

1.8 Policy GEN02 states 'Innovative and contemporary design where it enhances sustainability will be encouraged and promoted across the District' and Policy COM01(c) states new development should 'Incorporates sustainable design and durable construction, observing best practice in energy efficiency and climate change mitigation, and is accessible and adaptable to different activities and land uses and the changing needs of all, including disabled and older people; and (d) 'Consists of high quality details and materials that respects or improves local character', as well as supporting good quality landscaping and high standards of accommodation (f and i), amongst others points, which are covered below.

1.9 As already stated the proposal is considered to encompass landscaping, which would potentially enhance the area, the design is modern and of merit due to the proposed eco-measures (despite not meeting the extremely high bar set by paragraph 79(e)). The proposal however, fails with regards to Policy JNP1 of the Croxton Brettenham and Kilverstone Neighbourhood Plan, as it does not form a development which has regard to the height, layout, building line, massing, scale of existing development in the immediate area. That said the landscaping proposals could be argued to enhance the rural character and appearance of the Parish in this immediate location. It is not considered however, that these matters outweigh the proposed unsustainable location, contrary to Policy HOU05 of the Development Plan. Also, the proposal is for one dwelling so it would not make a significant contribution to local housing requirements, especially in light that the Council can demonstrate a five year housing land supply. In addition, it is not considered that suitable information is provided within the application submission to demonstrate that a performing eco-dwelling can be actually be achieved or that the dwelling itself would have particularly high merits in this regard. Therefore, the proposals are not considered to outweigh the in principle objection to this application.

1.10 Overall, it is not considered that the proposal satisfies the requirements of Policy HOU05 of the Breckland Local Plan (Adopted 2019) or Paragraph 79(e) of the NPPF (2019) and is therefore consider contrary to policy and unacceptable in principle.

2.0 Impact on amenities

2.1 The impact on amenities was considered with regard to Policy COM03 of the Breckland Local Plan (adopted 2019), which seek to protect the amenity of neighbouring properties and future occupants. The plot size is generous and affords ample private amenity space provision. Additionally, the site is sufficient distance from any other development and therefore to not result in any detrimental amenity impacts in terms of overlooking or over-dominance etc. The proposal is overall considered to satisfy the requirements of Policy COM03 of the Breckland Local Plan (Adopted 2019) in terms of the preservation of amenities.

3.0 Biodiversity impact

3.1 The application was supported by the submission of a Preliminary Ecological Appraisal. The County ecologist reviewed this information and has raised no objections subject to the measures set out within the report. It is therefore considered that the proposal has appropriate regard to Policy ENV02 of the Breckland Local Plan (Adopted 2019) in this regard.

4.0 Impact on parking provision and highway safety

4.1 The proposal was considered by the Highway Authority who have raised no objection to the development, subject to conditions. It is considered that the site benefits from a safe access and egress to the site and also benefits from suitable levels of parking provision. It is therefore considered that the proposal has appropriate regard to Policy TR02 of the Breckland Local Plan (Adopted 2019) and Sections 108 & 109 of the NPPF (2019) in terms of the highway safety impact.

5.0 Conclusion

5.1 In terms of the overall planning balance of the scheme, the application site is not considered to be isolated and therefore the proposal cannot be considered against Paragraph 79 of the NPPF. In addition, it is considered that the proposal does not satisfy paragraph 79(e) of the NPPF (2019) in terms of being innovative or of exceptional design or in terms of significantly enhancing its immediate setting.

5.2 The proposal is not considered to be infilling or rounding off and is also therefore considered contrary to Policy HOU05 of the Breckland Local Plan (adopted 2019) and is not sustainable development.

5.3 On this basis the principle of development cannot be established and the proposal would result in unsustainable development contrary to relevant national and Development Plan policies, as set out above.

RECOMMENDATION

The application is recommended for refusal.

REASON(S) FOR REFUSAL

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Non-std reason for refusal

The application site is not considered to be isolated and therefore the proposal cannot be considered to accord with Paragraph 79 of the NPPF. In addition, the proposal is not considered to be outstanding or innovative and does not significantly enhance its immediate setting, nor is it sensitive to the defining characteristics of the local area, contrary to

Paragraph 79(e) of the NPPF (2019).

The proposal is not considered to be infilling or rounding off and is also therefore considered contrary to Policy HOU05 of the Breckland Local Plan (adopted 2019). On this basis the principle of development cannot be established and the proposal would result in unsustainable development contrary to relevant national and Development Plan policies, as set out above.