

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/0033/F	CASE OFFICER	Lisa ODonovan
LOCATION:	ROCKLANDS Honeysuckle Cottage Stow Bedon Road Rocklands	APPNTYPE:	Full
APPLICANT:	Mr & Mrs Brady Honeysuckle Cottage Brays Lane/Stow Bedon Road	POLICY:	
AGENT:	EJW Planning Limited Lincoln Barn Norwich Road	ALLOCATION:	N
PROPOSAL:	Change of use of existing residential annex to independent residential dwelling and widening of existing access		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee at the request of the Ward Representative.

KEY ISSUES

Principle
Impact on the character and appearance of the area
Impact upon amenity
Impact upon trees
Highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the change of use of an annexe to an separate dwelling.

SITE AND LOCATION

The annexe is situated to the north-east of the main Honeysuckle Cottage and comprises of a single storey rendered building with red clay pantiles. A fence has been erected to separate the proposed dwelling and Honeysuckle Cottage. A mature hedge is situated to the north-west boundary, which helps screen the building from public vantage points. There is an existing access along Stow Bedon Road, it is proposed to widen the access to accommodate both dwellings, elements of this widening have already been carried out.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/1076/F - Use of site as separate, self contained dwelling (retrospective) and widening of joint access - Refused

3PL/2017/1338/EU - Converted a building to a bungalow (Certificate of Lawfulness) - Refused

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.04	Infrastructure
CP.14	Sustainable Rural Communities
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

ROCKLANDS P C

Rocklands Parish Council has no comments and no objection to this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

Conditions requested.

STOW BEDON & BRECKLES P C

No objections.

ENVIRONMENTAL HEALTH OFFICERS

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

TREE AND COUNTRYSIDE CONSULTANT

No requirement for an AIA as it is a Laurel hedge and none of the trees are within the hedge in respect of providing the required visibility splays.

NATIONAL GRID

No Comments Received

REPRESENTATIONS

No representations received.

ASSESSMENT NOTES

1. Principle

1.1 The application seeks full planning permission for the change of use of an annexe to a separate self contained dwelling on land outside of any defined settlement boundary. Whilst the building is in situ, in policy terms it is assessed as a new dwelling in terms of its appropriateness for use as a separate self-contained dwelling. For this reason the proposal conflicts in principle with Policies DC 2, CP 14 and SS1, which seek to focus new housing within defined Settlement Boundaries. However, paragraph 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date 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. Housing applications should therefore be considered in the context of presumption in favour of sustainable development.

1.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong 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.

1.3 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

1.4 Economic - whilst the land is in the applicant's ownership and the property has already been constructed and may have caused some economic benefit by way of providing jobs in relation to the construction, it is considered that as the land lies outside of the settlement boundary, where policies exist to restrict further development, in a location which is a significant distance from the main hub of the village, which is a rural settlement, that this site is not considered appropriate on that basis.

1.5 Social - The village of Rockland All Saints is classified in Policy SS1 as a rural settlement. These are settlements that have few local services and are not therefore capable of sustaining consequential growth as many are completely reliant on higher order settlements for services and facilities. Whilst it is accepted that the village does benefit from a public house, a shop with post office, a primary school and village hall. The site itself is approximately 1.2 miles away from these services, accessed via unlit roads with limited to no footpath provision. The agent has highlighted the presence of a path (Brown's Lane) adjacent to the site, which is approximately 0.6 miles and leads to the start of the main hub of the village, however, this path is

not paved and remains unlit, the likelihood of occupiers using this pathway are therefore limited. The site lies approximately 3 miles from the service centre village of Great Ellingham and 5 miles from the market town of Attleborough. The occupiers of any dwelling here are therefore highly reliant on car use to get to these facilities which is contrary to paragraphs 14 and 34 of the NPPF.

1.6 Environmental - It is accepted that the dwelling/building is in situ and forms part of the garden land to Honeysuckle Cottage and therefore does not result in the further encroachment in open countryside however the proposal offers no significant improvements or benefits in terms of biodiversity, minimising waste and pollution or introduce any features to reduce emissions. There are no material benefits therefore that would outweigh the harm caused by allowing further development in an unsustainable location.

1.7 On balance and in light of the above factors, the proposal is not considered sustainable nor does it offer significant benefits in order to outweigh the harm caused by development contrary to the above mentioned policies and taking account of paragraphs 7, 8, 14 and 34 of the NPPF.

2. Impact on the character and appearance of the area

2.1 The dwelling is set behind a well-established hedge and trees, as a result, there are limited views of the single storey dwelling within the street scene. In addition, the scale and its position set back approximately 11 metres from the roadside frontage all help to reduce the impact on the wider street scene. The proposal is therefore considered to have due regard to Policy DC16 and paragraph 17 of the NPPF.

3. Impact upon amenity

3.1 The building is positioned a good distance from the dwelling known as Honeysuckle Cottage and is situated the other side of a garage building which serves this dwelling. As a result of this, alongside the small scale of the building, the building does not present any adverse issues in terms of amenity received by the occupiers of Honeysuckle Cottage, particularly in terms of overlooking, loss of light or over dominance. The hedge to the front helps to screen the development from the Farm opposite, however, the distance from the road alongside the small scale would ensure that the amenity received by the occupiers of this dwelling would remain unaffected. The plot also provides a sufficient amount of private amenity space for any occupiers. In light of these factors, the application is considered to accord with Policy DC1 and paragraph 17 of the NPPF.

4. Impact upon trees

4.1 The majority of the work relating to the access widening, apart from the visibility splay provision has already taken place. The Tree and Countryside Officer was consulted given the proposal to remove a section of Laurel hedging to aid visibility and the presence of trees within 12 metres. No objection was subsequently raised to this, the proposal is considered to have had due regard to Policy DC12.

5. Highway safety

5.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy DC19 requires sufficient parking for all new development.

5.2 The Highway Authority considers that the site is located away from services and amenities required on an everyday basis and it is considered that any residents would have a high dependency on travelling by

private car to access these. It is noted that the submitted details still include the provision of a 2.4m parallel visibility splay along the frontage of the site, and the remaining land controlled by the applicant. This will significantly increase visibility for the existing dwelling and it is therefore considered difficult to substantiate a highway safety objection on this basis. Subject to conditions, the application is considered to accord with the above policies.

6. Conclusion

6.1 The proposal is recommended for refusal. It is not considered to meet all three roles of sustainable development as defined within paragraph 7 of the NPPF, which will result in any future occupants being highly reliant on car use to access day-to-day services and facilities, a significant distance from a service centre village or town.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900 Unsustainable location**
- The proposed change of use of the building to a separate, independent 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, 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 paragraph 7 of the National Planning Policy Framework.
- 2002 Application Refused Following Discussion - No Way Forward**
- The Local Planning Authority has acted positively and proactively in determining this application in as timely a manner as possible, and by identifying matters of concern with the application and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>
- 2009 Criterion E - Planning Apps Where Refused**
- Appeals against planning decisions
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and

development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.