

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/0734/F	<b>CASE OFFICER</b>	Natalie Levett
<b>LOCATION:</b>	ASHILL Brick Kiln Farm.Swaffham Road Ashill	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Brick Kiln Farm Caravan Park Brick Kiln Farm, Swaffham Road Ashill	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	ADM Architectural Services Ltd Flint Cottage Shropham Road	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Change of use of part of the camping and caravan site to residential use for the construction of a dwelling, attached self-contained annexe and attached cartlodge, including access, to be used in association with the camping and caravan site	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to the Planning Committee because the proposal is recommended for conditional approval contrary to Planning policy.

#### **KEY ISSUES**

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Amenity Impact
- Impact on Highway Safety
- Contaminated Land

#### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the change of use of part of the camping and caravan site to residential use for the construction of a dwelling, attached self-contained unit and attached cartlodge, including access, to be used in association with the caravan and camping site.

#### **SITE AND LOCATION**

The application site is located to the west of the village of Ashill. It is approximately 0.7miles/1.13km from the village's centre, 3.8miles/6.12km from the centre of Watton and 5.6miles/9.01km from Swaffham.

The site currently consists of a field that is used for part of the caravan and camping site. The wider camping and caravan site has permission for 100 holiday touring pitches.

**EIA REQUIRED**

Not required.

**RELEVANT SITE HISTORY**

- 3PL/2017/1492/F: Conversion of building to a dwelling and the erection of a new dwelling and garage - Committee Resolved to Approve the application at September 2018's Committee (this site is diagonally opposite the current application site)

- 3DC/2017/0216/DOC: Discharge of Conditions 3,4,6,8,10,13,15, on 3PL/2015/1476/F - Conditions 6, 8 and 13 discharged in full, Conditions 3, 4, 10 and 15 discharged in part

- 3PL/2015/1476/F: Change of use of agricultural land to camping and caravan park and erection of two toilet/shower blocks - approved

**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.08	Natural Resources
CP.09	Pollution and Waste
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.08	Tourism Related Development
DC.16	Design
DC.18	Community facilities, recreation and leisure
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not applicable.

## CONSULTATIONS

### **ASHILL P C**

Ashill Parish Council would like included as a condition that a footway be provided from the site to join up with the recently installed TROD giving access to village amenities for the many people using the caravan park.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

It is noted that the applicants currently live off-site and would therefore need to travel to the caravan site on a daily basis. It is proposed to serve the site via the existing access which has recently been improved. Based on the submitted details, it would be difficult to substantiate a highway objection subject to condition.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions and informative.

## REPRESENTATIONS

A Site Notice was displayed on 4th July 2018 and advertised in the local press (EDP). Five neighbours were directly notified. No representations were received.

## ASSESSMENT NOTES

### 1.0 Principle of Development

1.1 The application is for the change of use of part of the camping and caravan site to residential use for the construction of a dwelling, attached self-contained annexe and attached cartlodge, including access, to be used in association with the camping and caravan site.

1.2 Policy DC8 relates to the provision of tourism related development and Policy DC18 relates to the provision of community facilities, recreation and leisure. The site and total 2.5hectare area has permission for, and is in use as, a camping and caravan park for 100 touring pitches; a tourism facility. Policy CP14 relates to Sustainable Rural Communities and one aspect relates to the protection of Local Services.

1.3 With regard to the loss of land for residential use, the land is separate from the main camping and caravan site so would not unduly impact on the established facility. The supporting statement advises that due to the success of the campsite and that the owners do not live on site, there is now a demand for residing on site, which is not uncommon for such large-scale developments. The site has permission for 100 touring pitches and the facility it very popular with significant demand.

1.4 The site is located outside of any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF (2018) 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.

1.5 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate a 4.6 years housing land supply). 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.

1.6 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.

1.7 Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.8 The application site is located approximately 0.7 miles/1.13km to the west of Ashill. The route has no footpath and is unlit. However, Ashill is defined as a Local Service Centre and the facilities consist of a primary school, public house, community centre and a shop and bus services to Watton and Swaffham. Whilst some needs could be met within the village, the residents would be dependant on higher-order settlements for shopping, education and leisure purposes. Whilst the distance to these facilities would be covered by cycling and walking, the lack of street lights and footpaths mean this would only realistically be an alternative to the use of the car during the summer months. However, the dwelling would be used in relation to the owner's business. Consequently, the proposal would conflict with the NPPF to minimise the need to travel, although would support a rural business to enable it to thrive.

1.9 Paragraph 78 of the NPPF notes that development in one village may help support the services in a nearby village. Watton is classed as a mid-sized Market Town, which is approximately 3.8 miles/6.12km from the site. Another mid-sized Market Town, Swaffham, is located approximately 5.6 miles/9.01km. Both provide a good range of services for their day-to-day needs.

1.10 The NPPF indicates that rural housing should be located where it will enhance or maintain the vitality of rural communities and that isolated houses in the countryside should be avoided. Additionally, the

Government's Planning Practice Guidance (NPPG), notes that all settlements can play a role in delivering sustainable development and that blanket policies restricting housing in some rural settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

1.11 Due to the limited range of facilities and services within Ashill, the services and facilities of other settlements will be required by occupants on a regular basis. Ashill is served by bus services to nearby higher order settlements. Notwithstanding this, it is considered that the proposed development would result in a high reliance upon the private vehicle and the proposed scheme would not represent an accessible form of development. There would be a reliance on higher order settlements for everyday needs. Therefore the proposal is inconsistent with the social dimensions of sustainable development. This consideration weighs against the proposal.

1.12 Policy CP14 and paragraph 79 of the NPPF allow rural workers dwelling in the countryside where there is an essential need. The applicant has provided a justification for the dwelling and the reasons why it is necessary, in their view, why a dwelling is required for their 100-pitch site. Whilst not all reasons can be taken into account from a Planning perspective, the majority are acceptable and appropriate for such a large-scale operation.

1.13 Consideration of the environmental impact involves an assessment of the effect the proposal would have upon the natural, built and historic environment. There would be no unacceptable impacts upon trees and ecology arising from the development. Due to the siting and scale, the proposed dwelling would not be harmful to the character or appearance of the area.

1.14 Members, at 3rd September 2018's Planning Committee, resolved to approved application 3PL/2017/1492/F for the conversion of a building to a dwelling and the erection of a new dwelling and garage on land diagonally opposite this application site and the principle of development for a new dwelling was accepted due to the proximity to Ashill, which is a material consideration.

1.15 With regard to the benefits of the proposed development, it is noted that there would be some social and economic benefits through the provision of one additional dwelling supporting and the rural business; there would also be the generation of labour in the short term during construction. As a result of the above, it is considered that the principle of development is acceptable.

## 2.0 Design and Impact upon the Character and Appearance of the Area

2.1 Policy DC16 seeks to ensure that developments achieve high standards of design. New development should reflect the local character in terms of style, arrangement, density, height, massing and scale.

2.2 Most buildings within the locality adopt a traditional design approach - pitched roof and brick built. The proposed dwelling would reflect this style. The dwelling would have natural red clay pantiles on the roof, with walls of Featheredge Softwood Weatherboarding of dark grey finish over a red brick plinth. The windows are to be of dark grey aluminium finish with hardwood front and rear doors. The driveway and turning area would be laid to gravel. The overall design of the dwelling is considered acceptable and in-keeping with the dwellings nearby.

2.3 The proposal is considered acceptable having regard to Policy DC16 and the NPPF.

## 3.0 Amenity

3.1 Policy DC1 sets out that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

3.2 The proposed dwelling would have sufficient private outdoor amenity space, separated by a fence and new hedgerow planting for future occupiers so as to provide an acceptable standard of privacy. It would not create conditions detrimental to the campsite nor nearby dwellings and the existing dwellings are at such a distance as to not impact on the proposed dwelling.

3.3 As a result, the proposal is considered to comply with Policy DC1.

#### 4.0 Impact on Highway Safety

4.1 Policy CP13 seeks to ensure highway safety and Policy DC19 sets out the District's car parking requirements.

4.2 The Highway Authority advised that the applicants currently live off-site and would, therefore, need to travel to the caravan site on a daily basis. It is proposed to serve the site via the existing access, which has recently been improved. Based on the submitted details, it would be difficult to substantiate a highway objection subject to condition.

4.3 Ashill Parish Council requested a condition that a footway be provided from the site to join up with the recently installed TROD giving access to village amenities for the many people using the caravan park.

4.4 Paragraph 55 of the NPPF (2018) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development being permitted, enforceable, precise and reasonable in all other respects. The provision of a TROD or another type of footway, whilst would be a benefit, is not considered necessary for this development to proceed. The Highway Authority would not object to the proposed development if a footway was not provided. As a result, it would not be reasonable to impose a condition for this.

4.5 The proposal is, therefore, considered to accord with policy CP13 and Policy DC19.

#### 5.0 Contaminated Land

5.1 Policy DC9 seeks to protect the District from contamination and waste.

5.2 The Contaminated Land Officer initially advised that there is a large area of unknown filled ground to the north of the proposed development and an historic refuse tip to the north east and given that this was not addressed in the application submission they advised that the applicant would be advised to approach NCC and the EA for information regarding these sites.

5.3 The applicant's agent provided information following discussions with NCC and the EA and, as a result, the Contaminated Land Officer advised that based on the new information provided they recommend approval providing the development proceeds in line with the application details and subject to the suggested conditions to alleviate environmental concerns. They advised that the presence of landfill has been neither proved nor disproved but given the small scale of the development, they are content subject to compliance with conditions.

5.4 The proposal, therefore, accords with Policy CP9 on Pollution and Waste.

## 6.0 Planning Balance and Conclusion

6.1 The application for the change of use of part of the camping and caravan site to residential use for the construction of a dwelling, attached self-contained annexe and attached cartlodge, including access, to be used in association with the camping and caravan site does not accord with the adopted Development Plan for a new dwelling because the site falls out any settlement boundary. However, the Council does not currently have a 5 year housing land supply, as required by the NPPF, and this development would provide a small contribution towards Breckland's Housing supply. However, the dwelling is required for the owners of the campsite to be on site, which is not unusual for successful businesses of this size, and thus would enable the campsite to thrive and support a rural business in line with the NPPF.

6.2 When applying the tilted balance, the small negative harm created by the site's location away from the Settlement Boundary is considered to be outweighed by the positive contribution towards supporting a rural business, given that the design and location of the dwelling would not impact upon the adjacent dwellings. A condition can be imposed to ensure that the dwelling is used solely in connection with the camping and caravan site and that the self-contained annexe shall not be sold off independently and occupied for holiday purposes.

<b>RECOMMENDATION</b>
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**Planning Permission**

<b>CONDITIONS</b>
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- 1 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.
- 2 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.
- 3 Staff accommodation**

The occupation of the dwelling hereby approved shall be limited to a person solely employed in the in the Brick Kiln Farm Caravan and Camping business occupying the plot edged red on the attached plan, and to any resident dependants. The self-contained annexe shall accord with Condition 4.

Reason for condition:-  
The site of the development is outside an area where the Local Planning Authority normally permits residential development and permission has been granted in this instance having regard to the exceptional business need for a dwelling on the site in accordance with policy CP14 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 4 Use as ancillary accommodation only**

The self-contained annexe shall not be occupied other than for holiday lets only, for no more

than 4 weeks by the same occupier without a break and at no time 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.

**5 Ground Gas condition**

The development shall include ground gas protection measures, or a site investigation may be undertaken to provide site specific assessment which would need to be acted upon accordingly. Prior to the commencement of development, details of the ground gas protection measures or a site investigation as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved specification at such times as may be specified in the approved scheme.

Reason for condition:

To ensure a safe development in accordance with Policy CP9 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF (2018).

**This condition will require to be discharged**

**6 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details of all external materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**7 Provision of parking and servicing - when shown on plan**

Prior to the first occupation of the development hereby permitted the proposed access and parking 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 area, in the interests of highway safety in accordance with Policy CP14 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF (2018).

**8 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**

**9 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, ancillary buildings, garages, car port or similar structure for garaging of a motor vehicle or free standing ancillary building 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.

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.

**10 No alterations to garage**

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), express permission will be required for the alteration of any existing garage facility to any other form of accommodation. Express permission shall have been granted only when 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 to ensure adequate off street parking provision in accordance with Policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**14 Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

