

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2018/0822/F	<b>CASE OFFICER</b>	Natalie Levett
<b>LOCATION:</b>	BEESTON Holmedene Farm,Syers Lane Beeston	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mrs Gaye Davidson c/o Agent	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Icon Consulting Hethel Engineering Centre Chapman Way	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Construction of a detached house with attached garage new access and associated works		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

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

The application is referred to Committee at the request of the Ward Member, Cllr Gould.

#### **KEY ISSUES**

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Amenity
- Access and Highway Safety
- Impact on Trees
- Impact on Ecology

#### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the construction of a detached house with an attached garage on garden land associated with Holmedene Farm.

#### **SITE AND LOCATION**

The application site is located on land off Water End Lane, which is where the new access would be created, although the main Farmhouse and buildings are accessed off of Syers Lane in the Parish of Beeston but outside the Settlement Boundary of the village of Beeston. Beeston is identified in the local plan as a rural settlement.

To the north west and north east of the site is garden land associated with Holmedene Farm, to the south east is a dwelling known as Jester House, to the south west is Water End Lane, beyond which is open agricultural land, a pond and a terrace of three cottages.

**EIA REQUIRED**

Not required.

**RELEVANT SITE HISTORY**

There is no Planning history for the site.

**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.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.08	Tourism Related Development
DC.12	Trees and Landscape
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**

**BEESTON P C**

The parish council has considered the application and has no comments to make.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection, subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Provides comments and suggested conditions if the application is approved.

**CONTAMINATED LAND OFFICER**

No objections subject to conditions/informatives.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No Comments Received

**REPRESENTATIONS**

A Site Notice was displayed on 13th August 2018, advertised in the EDP and 3 neighbours were directly notified. One representation has been received raising the following main points:

- previous houses sold off;
- the village cannot sustain any more housing as indicated by other refusals.

**ASSESSMENT NOTES**

**1.0 Principle of Development**

1.1 This application seeks permission for the construction of a dwelling within part of the garden of Holmedene Farm. 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.

1.2 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.

1.3 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.

1.4 A balanced assessment against these roles is, therefore, required.

1.5 Paragraph 78 of the NPPF notes that development in one village may help support the services in a nearby village. The site lies within the Parish of Beeston. Beeston is defined by Policy SS1 as a rural settlement that has "few, or in some cases no, local services". Beeston has a primary school and village hall. Litcham, a local service centre is approximately 3.7km (2.3miles) from the site. It is, therefore, considered that the proposal would not significantly support the services of nearby villages. Dereham (approximately 11.59km/7.2miles) and Swaffham (approximately 15.45km/9.6miles) are mid-sized market towns, which provide a "good range of services for their residents' day-to-day needs".

1.6 Beeston is classified as a lower tier rural settlement in the Local Plan, and Policy SS1 identifies it as a settlement considered not capable of sustaining consequential growth as it is reliant on higher order settlements for services and facilities.

1.7 In a recent appeal decision (APP/F2605/W/17/3182476, 28th November 2017), the Inspector dismissed an appeal for two dwellings in Beeston, stating that:

"7. Beeston village ... has a limited range of services, including a school and public house. The distances from the appeal site to these services, along mainly unlit roads without pavements, would not make these conveniently accessible by means other than private car.

8. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; for example, where there are groups of smaller settlements, development in one village may support services in a village nearby. I am not persuaded that the two dwellings in the location would provide any material support to the vitality of the rural community in Beeston and consider occupiers here would be unduly reliant on private car journeys to meet regular needs.

9. The proposal would be in the countryside, outside the settlement boundary for Beeston, and conflict with the aims of CSDCP policies SS1, CP14 and DC2 in respect of where new housing should be built. These policies are broadly consistent with the core principle of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. These policies are therefore afforded significant weight".

1.8 In a further appeal decision (APP/F2605/W/17/3171002, dismissed for 6 new dwellings in Beeston, dated 31st August 2017), the Inspector stated that:

"... Beeston is some 7 miles from Dereham, which is the administration centre of Mid-Norfolk, and about 2 miles from the service centre village of Litcham which has a combined post office and general store. I noted that although Beeston has a school and village hall, the public house has recently closed and there are no

shops. The evidence before me also indicates that local employment opportunities on the nearby industrial estate are retracting rather than expanding and at my visit there appeared to be very limited activity on the roads or in nearby gardens. Nor did I notice any footways along the main road through the village, and public transport is limited to a single bus service in both directions on Tuesday and Fridays only".

1.9 The Inspector continued to state that they were "not satisfied that the limited amenities in Litcham would be adequate to provide day to day needs and as such, future occupiers of the development would be reliant on travelling further afield for most facilities and services. Furthermore, the lanes linking Beeston to other settlements pass through open agricultural land and the lane to Litcham is single lane with passing places, so opportunities for walking or cycling would be limited. As such, the development would generate significant traffic to access even basic facilities and given the very limited public transport options, it is highly likely that these journeys would be made by private vehicles".

1.10 At paragraph 9, the Inspector appreciated "that there would be some short term and localised economic benefit from the development but I am not satisfied that this would outweigh the harm identified above in relation to the increase in journeys and the reliance on unsustainable modes of transport. I conclude that Beeston is almost entirely dependent on higher order settlements for services and facilities and that the site is not in a sustainable location.

1.11 The proposals would not meet any of the criteria listed in LP Policy CP14 for development in villages not identified for a specific level of growth in the settlement hierarchy. It would also be contrary to LP Policies SS1 and DC2 which taken together, restrict residential development to specific settlements and to land within settlement boundaries, as well as guidance in the Framework with regard to sustainable development".

1.12 The Inspector proceeded with:

". I appreciate that Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. However, it is apparent that there are minimal facilities in Beeston and limited facilities in Litcham. I appreciate that this is an area of scattered villages in a rural context, but even by these standards, I consider Beeston to be fairly remote from amenities and services".

1.13 A Planning Inspector, on 6th September 2018 (APP/F2605/W/17/3188621), dismissed an appeal for the "alterations to The Ploughshare public house and a terrace of 3 houses" for various reasons including that it has no facilities.

1.14 The agent, in response to being offered the opportunity to respond to the issues relating to the proposal stated that the above appeal decisions were not assessed against the new NPPF (2018), namely paragraph 78 relating to rural housing. However, this paragraph used to form part of paragraph 55 of the 2012 version of the NPPF so it was taken into account by the Inspectors.

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 dwelling; there would also be generation of labour in the short term during construction. However, given appeal decisions, including the most recent appeal decision (APP/F2605/W/17/3188621) issued on 6th September 2018, confirming that Beeston is unsustainable for development, holds significant weight in the determination of applications. The proposed development is not considered to be significant either individually or cumulatively and would not outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district nor the NPPF. As a result, the development would not be sustainable development in the context of relevant local and national planning policies and thus the principle of development is unacceptable.

1.16 The main issues of consideration are whether there are any material consideration that would outweigh the principle of development, including the design and impact on the character and appearance of the surrounding area, impact on trees and highway safety.

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

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy DC16 on Design expects all new development should achieve the highest standards of design. This is echoed in the NPPF. All design proposals must preserve or enhance the existing character of an area. Policy CP11 on Protection and Enhancement of the Landscape sets out that the landscape of the District will be protected for the sake of its own intrinsic beauty. Policy DC1 on Protection of Amenity sets out that development will not be permitted where there are unacceptable effects on the amenities of the area.

2.3 Paragraph 130 of the NPPF (2018) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.4 The submitted design of the proposed dwelling is considered to be more akin to an urban estate-type building rather than reflecting or being sympathetic to the character and appearance of the surrounding rural character of the area; namely traditional red brick farm buildings and cottages.

2.5 The applicant was afforded the opportunity to address the issues raised regarding the design and responded stating that "The current Local Plan contains policies which encourage and support residential development including individual dwellings and these are referenced in the Design and Access Statement. It is considered the proposed dwelling conforms to the aspirations of these policies. It offers a distinctive design and appearance with accommodation formatted to allow the applicant to occupy the house conventionally or as a single-storey dwelling. They consider the combination of a well-landscaped garden plot and the clean lines of the rendered house will deliver an attractive additional dwelling. The dwelling design has generated no representations from statutory consultees or neighbours".

2.6 Notwithstanding the supporting information put forward, it is nonetheless considered that the dwelling does not accord with Policy DC16, and paragraph 130 of the National Planning Policy Framework and Policy CP11 due to the adverse impact on the surrounding landscape.

## 3.0 Impact on Amenity

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The plot size provides sufficient amenity space for the proposed dwelling and the boundary hedging/trees to the north east and south east is well established to not impact on the adjacent property, Jester House. It is noted that the applicant has recently planted along the proposed northwestern boundary, which when established would separate the two parcels of land, although at this stage there is plenty of room to still access the site from the remainder of the garden. The submitted plans state that the planting consists of native species hedge-line including ash, rowan and oak.

3.3 The proposal is, on balance, considered to comply with Policy DC1 but, if approved, a condition requiring additional privacy to Holmedene Farm would be appropriate.

#### 4.0 Impact on Trees and Hedgerows

4.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

4.2 The Tree and Countryside Consultant has raised no objection to the revised plans, subject to condition. As a result, the proposal complies with Policy DC12.

#### 5.0 Impact on Ecology

5.1 Policy CP10 seeks to protect the natural environment including protected species and Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

5.2 The application is supported by an Ecological Report (Wild Frontier Ecology; June 2018). The Ecologist advised that the report is fit for purpose. The report highlights ponds 4 and 5 support a medium-sized, breeding population of great crested newts. The report states 'the proposed development site itself comprises a regularly mown amenity grassland garden, albeit with some features which could provide shelter/cover for terrestrial amphibians, such as the compost heap, summer house and bases of the hedgerows. Nevertheless, given the separation from the relevant pond and apparent lack of inter-pond movements of great crested newts in the direction of the proposed development site, the overall risk of great crested newts occurring terrestrially on the site is considered to be low.' The Ecologist agrees that the low risks can be satisfactorily addressed by adopting a Precautionary Method of Working (PMW) during site clearance and construction.

5.3 As a result, subject to conditions, it is considered that the proposal complies with Policies CP10 and CP11 and the NPPF.

#### 6.0 Highway Safety

6.1 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP4 seeks to ensure that all access and safety concerns are resolved in new developments.

6.2 The Highway Authority advised that given the site is served by Water End Lane, a single track in width with no passing provision, is a no through road and links to other agricultural uses on the old airfield, that the provision of two formal passing places/areas of localised widening to achieve a 4.8m carriageway width - one on Syers Lane between the junction of Back Lane and Holmedene Farm and one on Water End Lane between the junction of Syers Lane and the site. The highway boundary will also need to be investigated to ensure the works can be accommodated in the highway. Members will be updated at Committee with their response.

#### 7.0 Other Matters

7.1 Policy CP9 seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution.

7.2 The Contaminated Land Officer advised, following additional information being submitted, that there are no objections subject to conditions. As a result, the proposal complies with Policy CP9.

## 8.0 Planning Balance and Conclusion

8.1 The site falls outside of any Settlement Boundary thus the proposal does not accord with Policies SS1, CP14 and DC2 of the adopted Breckland Council Core Strategy and Development Control Policies Development Plan Document.

8.2 However, given that the Council does not have a five-year housing land supply, the proposal is to be considered in accordance with the sustainable development criteria outlined in the NPPF. The three elements - economic, social and environmental - are to be taken together, not in isolation. Several appeals have been determined by the Planning Inspectorate, all have confirmed that Beeston is not a sustainable area. There are no material considerations that would outweigh this harm.

8.3 In addition, the design of the proposed dwelling is not in keeping with the surrounding area and is considered to be out of keeping and character.

8.4 Having regard to the above, it is considered that there would be no exceptional considerations or public benefits that would outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district. The proposal would not form sustainable development and taking into account all material considerations and the policies in the development plan and NPPF and is, therefore, recommended for refusal.

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

<b>REASON(S) FOR REFUSAL</b>
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- 1 Unsustainable Location/Development**

The site is situated in an unsustainable location and thus contrary to Policies SS1, CP14 and DC2 of the adopted Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) and the three dimensions of sustainable development outlined in the National Planning Policy Framework (2018) (in particular 11, 12 and 78). There are no material planning considerations that would outweigh this harm.
- 2 Design: detrimental to character and appearance of the area**

The proposed design of the dwelling is akin to an urban estate-type building rather than reflecting, or being sympathetic to, the character and appearance of the surrounding rural character of the area; namely traditional red brick farm buildings and cottages. As a result, the proposal fails to comply with Policies DC16 and CP1 of the adopted Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) together with Paragraph 130 of the NPPF (2018).