

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2019/0995/O	CASE OFFICER	Mark Simmonds
LOCATION:	BEACHAMWELL Land adjacent 4 Beachamwell Road Drymere Beachamwell	APPNTYPE:	Outline
APPLICANT:	Mrs R Gibbons 6 Malthouse Croft Beachamwell	POLICY:	Out Settlemnt Bndry
AGENT:	Clayland Architects The Glass House Lynford Gardens	CONS AREA:	N
PROPOSAL:	Proposed residential dwelling	LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is being presented to committee for determination as it has been called in by a Councillor.

KEY ISSUES

- Principle of development
- Character and Appearance
- Ecology Impact
- Historic Environment
- Impact on Trees
- Highway Safety
- Flood Risk

DESCRIPTION OF DEVELOPMENT

Outline planning permission is sought to construct a residential dwelling, with all matters reserved apart from access. The access is proposed from an existing access currently serving a paddock, which will remain to the side and rear of the plot. Hedging is proposed to the front (northern) boundary adjacent to the highway. The site area is 0.22 hectares.

SITE AND LOCATION

The application site is located within the settlement of Drymere. Located approximately 3.8km to the south west of Swaffham, Drymere comprises a small hamlet of scattered dwellings set out in a generally linear pattern along the Beachamwell Road.

The application site forms part of a larger field which is within the applicants ownership, located on the southern side of the Beachamwell Road. It consists of open grass land currently used as a paddock, and its

frontage to the road is defined by post and wire fencing. It is bounded to the west by woodland, to the south and east by open land, and to the north, on the opposite side of the road, by the garden of a nearby dwelling (No 6). To the east there is a pair of dwellings.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2018/0841/O - WITHDRAWN
3PL/2015/0189/F - REFUSED - 13/04/2015

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

ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV05	Protection and Enhancement of the Landscape
GEN01	Sustainable Development in Breckland
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU05	Small Villages and Hamlets Outside of Settlement Boundaries
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

SWAFFHAM TOWN COUNCIL

Swaffham Town Council would like it noted that this development falls within the parish of Beachamwell who it is assumed will also be consulted. Swaffham Town Council would like it noted that they object to the development on the following grounds: It is a prime example of unnecessary development in the countryside - The development would cause harm to the Heritage character of the hamlet of Drymere and subsequently the surrounding parishes of Swaffham and Beachamwell.

NORFOLK COUNTY COUNCIL HIGHWAYS

The application is a re-submission of 3PL/2018/0841/O. The site is located in a remote settlement of 14 dwellings which lies some distance from any local services or amenities. Further, there would not appear to be a regular bus service in the vicinity. I would therefore consider that any occupants of this dwelling would be reliant on travelling by car to access services and amenities on a daily basis. The site is served by a classified county highway (C122) which provides the main vehicular route from Swaffham to the village of Beachamwell and beyond to the A1122 at Fincham. On that basis I do not consider that I could substantiate a highway objection on the grounds of the additional vehicular movements generated by a single dwelling but, as highlighted above, there appears to be limited opportunity to access any services other than by car. Since Access is the only matter for current consideration I will require details of parking and turning arrangements to form part of a future Reserved Matters submission. Also subject to a condition.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The application is supported by a Preliminary Ecological Appraisal (Riverdale Ecology, 2019). The report is fit for purpose. It found that the 0.4 ha site is located directly adjacent to the Breckland SPA, Breckland Forest SSSI, and 330m of a Roadside Nature Reserve. The site itself currently forms part of a semi-improved grass paddock, with some recent native and non-native planting. The site is assessed of having negligible importance and no further surveys are recommended. Habitats onsite are not considered suitable for species for which the SPA is designated, and it is considered that there is negligible risk of any likely significant effects to any Nature2000 sites resulting from the proposals. The site is located within the Impact Risk Zone, requiring consultation with Natural England. Conditions have been specified if approval is granted.

CONTAMINATED LAND OFFICER

I have looked at the application submitted and, based on the information provided to me at this time; 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 objection.

BEACHAMWELL P C

The Parish Council is in support of the application.

HISTORIC BUILDINGS CONSULTANT

From an historic built environment perspective - no objection.

NATURAL ENGLAND

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

REPRESENTATIONS

The site notice has been displayed from 18/09/2019 to 09/10/2019.

Four neighbours have been directly notified.

10 objections have been received.

2 representations have been received supporting the proposals.

Their comments are summarised below.

- In 2015 a similar application was made to develop this plot of land (3PL/2015/0189/F). That application was refused.
- In 2018 a similar application was again submitted (3PL/2018/0841/O), but withdrawn following several objections including from the local parish council.
- Unsustainable development in a rural hamlet.
- Five year housing supply is about to be demonstrated.
- Para 77 of the NPPF not pertinent - Drymere has most clearly been identified as a settlement which is not appropriate for development.
- The applicant's efforts to characterise Drymere as having access to several services is misconceived. There may be a bus stop but the idea that there is anything you could call a bus service is misleading.
- The cafe referred to is only open when events are taking place at the equestrian centre.
- The resulting loss of openness would cause material harm to the rural character and open appearance of the area.
- Precedent for further development.
- Heritage - The settlement at Drymere is of increasing heritage interest. The distinctive pattern of dwellings in their large plots needs to be conserved, and will be lost if new development is allowed.
- Drymere is a dispersed settlement which comprises of 15 ex-forestry commission houses / bungalows which were constructed around the 1920s. Each property came with a 5 acre plot of land which was used by the residence to rear livestock etc., since then these 5 acre fields have been sold off and have been used as grazing land for either horses or sheep, never have they been used for anything else other than livestock / agriculture. With the aforementioned surely these plots are classed as Green-belt and should be protected from any form of development?.
- Loss of privacy.
- The application significantly alters Drymere's unique historical character as a former forestry hamlet (regularly spaced dwellings with large open areas between them).
- The development is not sustainable in any way, taking place in a small hamlet with no amenities, therefore adding to car journeys along very small roads. To be sustainable, the development should be in Swaffham where various facilities and transport links already exist.
- There is no proven housing need, either for the hamlet in general, or for the applicant specifically.

Supporting comments:

- We write in support of this application, firstly we know the applicants well, we know them as terrific neighbours from their previous residence in Drymere. They have a high standard when maintaining the land and looking after their animals. We are sure they would landscape the proposed property to the benefit of their neighbours. It would be very beneficial to have a child living in Drymere, the demographic here is towards the elderly, a good balance of age groups is always a good idea. As we have previously commented we think Drymere could easily sustain another property without any loss of character to the village, permissions have been given for various properties in Beachamwell, we have as many amenities here and we are closer to town.
- The plans and the house fit in well with other properties in the village, the village needs single infill new homes to grow in a controlled way, one or two new homes in the village would not spoil the rural feel of Drymere and we need to move forward and not stand still. I believe the applicant intends to run a small rural business with horses from this property, we need to encourage rural business and working from home as this will involve less business road miles and thus a low carbon foot print.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 Outline planning permission is sought to construct a residential dwelling, with all matters reserved apart from access. The access is proposed from an existing access currently serving a paddock, which will remain to the side and rear of the plot. Hedging is proposed to the front (northern) boundary adjacent to the highway. The site area is 0.22 hectares.

1.2 The proposed building would be a self-build house. Internally, the house would accommodate a studio room for the applicant to work from home. The applicant has also referred to animals they care for on the land.

1.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the Breckland Local Plan 2019; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

1.4 The Council does have a published 5 year housing land supply as required by the National Planning Policy Framework, which provides national planning guidance for local planning authorities and is a strong material consideration in the determination of planning applications.

1.5 Policy GEN 01 of the Breckland Local Plan 2019 (Sustainable Development in Breckland) seeks to enable development that improves the economic, social and environmental objectives of Breckland through the application of the following national and locally distinctive sustainable development principles.

1.6 Policy GEN 05 of the Breckland Local Plan 2019 says that outside the defined settlement boundaries, development is restricted to recognise the intrinsic character and beauty of the countryside. Development outside the defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan.

1.7 Policy HOU 05 of the Breckland Local Plan 2019 says that development in smaller villages and hamlets outside of defined settlement boundaries will be limited apart from where it would comply with other policies within the Development Plan* and if all of the following criteria are satisfied:

1. The development comprises of sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway;
2. It is of an appropriate scale and design to the settlement;
3. The design contributes to preserving, and where possible, enhancing the historic nature and connectivity of communities;

Opportunities for self build dwellings which meet the criteria set out above will be supported.

*with the exception of Policy GEN 05 Settlement Boundaries.

1.8 Drymere is small rural hamlet which lacks any of the services and facilities which would normally be required to meet the day-to-day needs of future residents. Limited facilities (Country Inn and Village Hall) are available in the village of Beachamwell, the second nearest settlement 3.1 km to the west. Swaffham provides a wide range of retail, community and leisure facilities, but is located approximately 1 km further away from Beachamwell.

1.9 The local road network consists of unlit country lanes without footpaths. In view of the lack of convenient and safe walking and cycling routes to higher order settlements, the future occupants of the proposed

dwelling would be dependent on transport by car for access to shopping, leisure and other purposes. This would be contrary to Policy GEN 01 of the Breckland Local Plan 2019 and section 9 of the NPPF (2019).

1.10 Notwithstanding the element of working from home and the self-build (Section 6 of the NPPF), it is considered that the proposal would result in a remote dwelling isolated from services and facilities. No evidence has been submitted to demonstrate that the development would enhance the vitality of rural settlements and support local services within them as per Para 78 of NPPF. It would also conflict with the environmental principle laid down by Para 7 of the NPPF that new development should contribute to reducing pollution.

1.11 The key factor in the determination of this application is that Officers have carefully assessed the proposals and find that they do NOT represent either 'infill' nor 'rounding off of a cluster' of buildings and therefore fail the tests set out in policy HOU05. The site is a paddock/field with no flanking development to either side and is not in a 'cluster' to be rounded off. The site is not an 'in-fill' plot and does not meet the definition in the justifying text to Policy HOU05.

1.11 For these reasons, the proposal would not represent a sustainable form of development, as defined in paragraphs 7-10 and 79 of the revised NPPF. The proposal also fails to achieve the criteria set out in Policy HOU 05 of the Breckland Local Plan (adopted) as the site for the dwelling is not considered to be sensitive infilling or rounding off of a cluster of dwellings.

1.12 In light of the above, the proposed dwelling conflicts with Policies GEN 01, GEN 05, HOU 05 and the NPPF (2019).

2.0 Character and appearance

2.1 Policy ENV 05 requires development proposals to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

2.2 The hamlet of Drymere is characterised by pairs of semi-detached houses and bungalows, set in large plots amongst trees and interspersed with extensive areas of open land. The properties date from the 1920s and were originally constructed for forestry workers.

2.3 Due to its open and undeveloped nature, and the existing pattern of sporadic development in the area, the application site contributes positively to the rural character of the surrounding area. As the proposal is in its outline form, the design and layout of the dwelling would be confirmed at a later stage.

2.4 Although longer distance views of the proposed dwelling would be limited by adjacent woodland and proposed roadside trees and hedges, the dwelling would nonetheless be clearly visible from the Beachamwell Road in the immediate vicinity of the site, and would inevitably give the site and its surroundings a more built up appearance. Thus, the proposal would detract from the rural character and open appearance of the area contrary to Policy ENV 05 of the Breckland Local Plan (adopted) and section 15 of the NPPF (2019).

3.0 Ecology

3.1 Policy ENV02 seeks to protect and enhance Biodiversity and requires the highest level of protection to be given to European Sites, with development only permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. Where measures to mitigate for potential adverse effects on European sites are required the proposed mitigation measures must be justified as fit for purpose with appropriate evidence, to inform the Council's Habitats Regulations Assessment. Development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest, as identified on the Policies Map, will not be permitted unless:

3.2 Policy ENV03 - The Brecks Protected Habitats and Species

- a. it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the special ecological / geological interest of the site, and;
- b. it has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm, and;
- c. residual harm, after all measures to prevent and adequately mitigate have been applied, will be adequately compensated for.

3.3 The Council requires that a Habitats Regulations Assessment is undertaken on all proposals for development that are likely to have a significant effect on The Breckland Special Protection Area (SPA) which is classified for its populations of Stone Curlew, Woodlark and Nightjar, and/or Breckland Special Area of Conservation (SAC), which is designated for its heathland habitats. Development will only be permitted where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC.

3.4 The wooded areas adjacent to the site to the south and west form part of the Breckland Forest SSSI, which is a component of the Breckland SPA. The site also falls within the stone curlew buffer zone, as defined under Policy ENV 03 of the Breckland Local Plan (adopted). A preliminary ecological appraisal has been submitted with the application. The Ecology Consultant has been consulted and raised no objection.

3.5 Natural England have been consulted and advised based on the plans submitted, that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3.6 Therefore, the proposals comply with Policy ENV03 of the Breckland Local Plan (adopted).

4.0 Historic Environment

4.1 Despite the objection on heritage grounds it is not considered that any heritage asset would be materially affected and in any case the Historic Buildings Consultant has been consulted and has no objections to the proposals.

5.0 Impact on Trees

5.1 Policy ENV 06 of the Breckland Local Plan (adopted) requires the protection of trees and hedgerow and says that they should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss. Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value (BS5837:2012)) will only be permitted where it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow. Where the loss of such features is

demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought. Where the loss of a tree is accepted in these circumstances, developers will be required to ensure that the loss will be suitably compensated for, taking into account the size and condition of the tree.

5.2 The Tree and Countryside Consultant has been consulted and advise that they have no objection to the proposals.

5.3 Therefore, the proposals comply with Policy ENV 06 of the Breckland Local Plan 2019 and section 15 of the NPPF (2019).

6.0 Highway safety

6.1 Policy TR 01 (Sustainable Transport Network) of the Breckland Local Plan (adopted) seeks to promote a safe, efficient and convenient sustainable transport system. Development should seek to minimise the need to travel, promote opportunities for sustainable transport modes, not adversely impact on the operation or safety of the strategic road network , improve accessibility to services and support the transition to a low carbon future.

6.2 Policy TR 02 (Transport Requirements) of the Breckland Local Plan (adopted) seeks to ensure that developments should be of high quality, sustainable in design, construction and layout as well as offering maximum flexibility in the choice of travel modes for all potential users. Proposals will be permitted that integrate satisfactorily into existing transport networks, mitigate impacts on the local or strategic highway networks arising from the development itself, or the cumulative effects of development, through the provision of, or contributions towards, any relevant transport improvement deemed to be necessary, including those secured by legal agreement, protect, and where possible enhance, access to public rights of way, provide safe, suitable and convenient access for all users, including appropriate parking and servicing provision in terms of amount, design and layout and avoid inappropriate traffic generation and do not compromise highway safety.

6.3 The Highway Authority have been consulted and commented that the level of traffic movements likely to be generated by one dwelling would have no significant impact on the highway safety of road users in view of the existing traffic levels and therefore raised no objection but did note that the dwelling would be remote with limited opportunity to access any services other than by car.

6.4 In light of the above, the proposed dwelling would be acceptable in terms of Highway safety, however, it should be noted that this would not be considered sustainable development and would therefore conflict with Policy TR 01 of the Breckland Local Plan (adopted).

7.0 Flood Risk and drainage

7.1 Policy ENV 09 of the Breckland Local Plan (adopted) requires development to be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles. Also to incorporate appropriate surface water drainage mitigation measures to minimise its own risk of flooding and should not materially increase the flood risk to other areas. Particular care will be required in relation to habitats designated as being of international importance in the area and beyond which are water sensitive, as well as habitats designated of regional or local importance.

7.2 Paragraph 163 of the NPPF (2019) stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception

tests, as appropriate) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.3 The application site is located within Flood Zone 1 and is, therefore, within an area at lowest risk of flooding from various sources including that from rivers, tidal, reservoir and canal sources. The site is also in a very low risk zone for surface water flooding.

7.4 In conclusion, the proposals are not in an area at risk of flooding from any sources, therefore, compliant with Policy ENV 09 of the Breckland Local Plan (adopted) and paragraph 163 of the NPPF (2019).

8.0 Conclusion

8.1 Paragraph 61 of the National Planning Policy Framework (2019) requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for a planning application. Self-build has been identified as the method of delivering the proposals. However the proposal fails to achieve the criteria set out in Policy HOU 05 of the Breckland Local Plan (adopted).

8.2 The proposed site location in Beachamwell for the dwelling is outside of any defined settlement boundary and does not meet any of the criteria as set out in Policy HOU 05 and therefore conflicts with Policy GEN 01, GEN 05 and HOU 05 of the Breckland Local Plan (adopted) and the NPPF (2019).

8.3 The proposal would detract from the rural character and open appearance of the area contrary to Policy ENV 05 of the Breckland Local Plan (adopted) and section 15 of the NPPF (2019).

RECOMMENDATION

That Planning Permission be REFUSED for the following reasons:

REASON(S) FOR REFUSAL

- 1 **This refusal is made on the following grounds -**
The proposal is located outside of any defined settlement Boundary and does not meet any of the criteria as set out in Policy HOU 05 and therefore conflicts with Policy GEN 01, GEN 05 and HOU 05 of the Breckland Local Plan (adopted) and the NPPF (2019) and the proposals do not therefore represent sustainable development and are fundamentally unacceptable.
- 2 **Further consolidation of sporadic development**

The erection of the proposed dwelling would in the opinion of the Local Planning Authority result in an undesirable consolidation of the existing sporadic development to the detriment of the character and visual amenities of the area.

Due to its open and undeveloped nature, the application site contributes positively to the rural character of the surrounding area. Although longer distance views of the proposed dwellings would be limited by adjacent woodland and roadside trees and hedges, the dwelling would nonetheless be clearly visible from the Beachamwell Road in the immediate vicinity of the site, and would inevitably give the site and its surroundings a more built up appearance.

The resulting loss of openess and the undeveloped nature of the site would cause material harm to the rural character and open appearance of the area, contrary to Policy ENV 05 of the Breckland Local Plan (adopted) and the guidance set out in paragraph 170 of the NPPF (2019).

Moreover, it is considered that, if approved, the proposal could set a precedent for further development given the extent of other undeveloped land of similar character in the vicinity. Such further development would cumulatively further erode the open appearance and rural character of the area, contrary to the policies set out above.