

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2022/0833/F	CASE OFFICER	Lisa ODonovan
LOCATION:	BEESTON AND FRANSHAM New Farm, Fransham Road	APPNTYPE:	Full
APPLICANT:	Mr Malcolm Webster New Farm Fransham Road	POLICY:	Out Settlemnt Bndry
AGENT:	One Planning Ltd Evolution House Icen Court	CONS AREA:	N
PROPOSAL:	Construction of rural workers dwelling and double cart port		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee at the request of the Chairman's Panel.

KEY ISSUES

Principle
Impact on character and appearance of the area
Amenity impact
Highway safety
Trees
Ecology
Nutrient Neutrality
Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the erection of a three bed rural worker's dwelling and double carport with machinery store. The dwelling is proposed over two storeys.

Access to the site would be via an existing track from Fransham Road.

SITE AND LOCATION

The site is located approximately 1.2km to the south-west of the western edge of the village of Beeston and is currently an agricultural field. A dwelling lies to the north of the site. Agricultural land surrounds the site to the east, west and south.

The application site has an extant outline planning permission for the erection of an agricultural worker's dwelling on the site. All matters except access were reserved as part of the application, although an

indicative layout proposed a 3-bedroom two storey dwelling with integral garage.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2022/0228/F - Construction of rural workers dwelling with double cart port - Refused

3PL/2021/1007/F - A new single detached dwelling with garden, hedgerow boundaries, and access onto Fransham Road - Refused

3PL/2020/1462/O - A new single detached dwelling - Permission granted 16th February 2021

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
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU06	Principle of New Housing
HOU13	Rural Workers Dwellings
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

CLERK TO BEESTON WITH BITTERING PARISH COUNCIL

These comments have been summarised due to length, please refer to full document for full comment.

1. The proposed rural worker's dwelling is considered to be too large to be sustainable in accordance with local plan policy HOU13 para 5.

Larger than that described at outline

Floor space too large when considered against RIBA average for a three bed

Cost to build

2. The proposed rural worker's dwelling proposed design and location.

Location of the dwelling and potential for a future application to remove the agricultural tie.

3. The wider site has not been developed in a holistic manner and existing buildings could have been used to provide the dwelling required that have since been converted for other purposes.

FRANSHAM P C

Fransham Parish Council accepts there may be a need for a rural worker's dwelling, however, the proposed design is considered too large for that purpose and we would urge Breckland to refuse this application on those grounds.

NORFOLK COUNTY COUNCIL HIGHWAYS

The application is a resubmission of a number of earlier applications most recently 3PL/2022/0228.

The site lies outside of the main village settlement and is served by a single track rural road with few areas where two vehicles can pass.

We are advised that the dwelling is required in connection with the adjacent land and I am assuming that the dwelling will stay in the ownership of the main farm holding.

Conditions required.

TREE AND COUNTRYSIDE CONSULTANT

No objection.

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.

ECOLOGY

No objection subject to securing

a) a per dwelling tariff for Norfolk GIRAMS

b) mitigation for Nutrient Neutrality as required by Natural England

c) biodiversity mitigation and enhancement measures

CONTAMINATED LAND OFFICER

No objection, subject to a condition.

REPRESENTATIONS

Site notice erected: 28-07-22
Consultations issued: 25-07-22

No representations received.

ASSESSMENT NOTES

Principle of Development

1.1 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.

1.2 The key issue of consideration is whether there is an essential need for a rural workers dwelling in the open countryside. The National Planning Policy Framework, (NPPF, 2021), advises, at paragraph 80, that planning policies and decisions should avoid isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. Policy HOU13, (Rural Workers Dwellings), of the adopted Local Plan is also relevant and states that proposals for permanent dwellings in the countryside for full-time workers in agriculture, horticulture, forestry, and other rural activities will be permitted where: -

1. It can be demonstrated that the dwelling is essential to the functional needs of the business i.e. there is a need for one or more full time workers to be readily available on-site at most times;
2. It can be demonstrated that the enterprise has been established for at least three years and is, and should remain, financially viable;
3. There is no other accommodation within the site/holding or within the surrounding area which is currently suitable and available, or could be made available;
4. A dwelling or building suitable for conversion to a dwelling within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years;
5. The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain;
6. The proposed dwelling is sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage asset;
7. The proposed dwelling will have satisfactory access;
8. The proposed dwelling is well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business; and
9. Where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling (in the form of a caravan, mobile home or wooden structure that can easily be dismantled and removed from the site) may be acceptable provided all the other criteria outlined above are met.

1.3 The application proposes a rural worker's dwelling ancillary to a long-standing agricultural business operating on the site and adjacent fields. The Planning Statement refers to New Farm as a working farm which places a high emphasis on conservation. For the last 10 years the land has been managed under the Higher Stewardship Scheme with Natural England.

1.4 The applicant has identified a functional need to erect a rural workers dwelling to be occupied by a live in warden to ensure that the business can benefit from a 24/7 presence. In particular, it has been highlighted that the applicant has tried using local contractors, but this system is failing, mainly due to issues with timing

which can only be resolved by having a permanent warden on site. This need has previously been accepted and the principle therefore agreed via an extant outline planning application, reference 3PL/2020/1462/O.

2.0 Impact upon character and appearance of area

2.1 Policy GEN02 of the Breckland Local Plan 2019 requires high quality design in all development within the district which respects and is sensitive to the character of the surrounding area. Policy COM01 requires new development to be designed to the highest possible standards. All new development must achieve a specification of high architectural, urban and landscape design quality and contribute to the distinctive character and amenity of the local area. The Council will promote high quality design in the District by requiring that the design of new development meets specific criteria.

2.2 Policy ENV05 of the Breckland Local Plan 2019 requires development proposals to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside.

2.3 The application site is located on land used in connection with New Farm and the surrounding area is rural in nature, consisting of open countryside. The site is located in a field accessed from an unmade track which connects to Fransham Road to the east. Some 800 trees have recently been planted along the proposed boundary between Fransham Road and the new dwelling. There is already some tree coverage along the boundary between the field and Fransham Road, and, once the newly planted trees grow, the dwelling would be very well screened from public vantage points. However, it is acknowledged that it will be a number of years until the saplings reach maturity.

2.4 The proposed dwelling proposes three bedrooms with en-suites at first floor with a kitchen, sitting room, office, utility and downstairs WC at ground floor. Whilst the rooms are spacious, and the number of bathrooms considered excessive, the level of accommodation this dwelling provides is not considered excessive overall i.e. 3 bedrooms for use by a family. The design has been amended to reduce the cantilever element and the proposed palette of materials: Norfolk pantiles, natural oak cladding and Norfolk flint are considered acceptable and in keeping with the rural character of the area. The scale of the dwelling is also considered a sufficient and acceptable size to meet the functional needs of the enterprise and is not considered to be of a type or construction that is likely to be unusually expensive to construct.

2.5 The already approved outline consent also proposed indicatively a three bed two storey dwelling within the supporting Design and Access Statement. Whilst it is acknowledged that the current proposal also includes an additional garage and machinery store, this is not considered to be an excessive level of ancillary accommodation.

2.6 In addition, the dwelling will be positioned behind a tree belt, behind existing screening, so is well screened from the main public vantage points and the proposal also includes significant boundary hedging which will also help soften the dwellings wider impact on the open countryside beyond.

2.7 In light of the above, the proposal is considered to have due regard to the above mentioned policies and is considered acceptable on this basis.

3.0 Amenity impact

3.1 Policy COM03 of the Local Plan seeks to protect residential amenity and requires that all new development must have regard to amenity considerations, stating that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The location of the dwelling is such that it would not have any adverse impact on neighbouring properties, in terms of loss of light, overlooking or overshadowing. In addition, the proposed dwelling would not give rise to any undue noise, odour or other form of disturbance. The proposal also includes sufficient private amenity space for use by future occupiers. In light of these factors, the proposal is considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019).

4.0 Highways

4.1 Policies COM01, TR01 and TR02 of the Breckland Local Plan seeks to ensure that all access and safety concerns are resolved in new developments. Policy HOU 06 of the Breckland Local Plan requires sufficient parking for all new development. Paragraphs 110 and 111 of the NPPF are also relevant.

4.2 The application seeks to use an existing access track off the highway and provides parking and turning space. Norfolk County Council Highways Team advised that the site lies outside of the main village settlement and is served by a single track rural road with few areas where two vehicles can pass. We are advised that the dwelling is required in connection with the on going wildlife management of the farm and it is assumed that the dwelling will stay in the ownership of the main farm holding. On that basis, no objection is raised subject to conditions and the proposals accord with the above mentioned policies.

5.0 Trees

5.1 Policy ENV06 of the Breckland Local Plan 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.

5.2 The proposal will not adversely impact any natural features, the Tree and Countryside Officer raised no objection to the proposal. The proposal is therefore considered to accord with Policy ENV06 of the Breckland Local Plan.

6.0 Ecology

6.1 Policy ENV02 of the Breckland Local Plan (adopted) seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

6.2 The application has been supported by a Preliminary Ecological Assessment which has been sent to the Ecology Team for assessment. As a result of further information received from the agent, the ecology team subsequently raised no objection subject to securing:

- a) a per dwelling tariff for Norfolk GIRAMS
- b) mitigation for Nutrient Neutrality as required by Natural England
- c) biodiversity mitigation and enhancement measures

7.0 Nutrient neutrality

7.1 The application site is affected by Natural England's advice to the Council issued on 16th March 2022 regarding Nutrient Neutrality. Within Breckland the habitat sites affected are the River Wensum Special Area of Conservation (SAC) and The Broads SAC. This advice sets out, that high levels of nutrients (mainly phosphorus and nitrogen) in protected water bodies are resulting in poor water quality. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial

reductions in nutrients are needed. To this end Natural England have advised that there is a risk of significant effects in more cases where habitats sites are in unfavourable condition due to exceeded nutrient thresholds and more plans and projects are therefore likely to proceed to appropriate assessment stage under the Habitat Regulations (The Conservation of Species and Habitats Regulations 2017).

7.2 The application site lies outside but close to the catchment of the The Broads and the River Wensum. The proposal would generate additional foul water flows and therefore could impact on nutrient levels in the above catchments. The application has been screened and as a result of the above the proposed development is likely to have a significant effect on the above habitat sites. Accordingly it is necessary to carry out an appropriate assessment as required by the Habitat Regulations.

7.3 At present on the basis of the information and evidence available we cannot lawfully conclude that development within the catchment of the the Broads Special Area of Conservation and Ramsar site will not have an adverse effect and that the integrity of the habitat sites would be preserved. Therefore, until this matter is resolved, the Council will not be able to grant planning permission for the proposed development. The applicant is preparing a shadow Habitat Regulations Assessment and mitigation strategy for review in order to ensure that the proposed development is nutrient neutral and significant adverse effects can be ruled out. Delegated authority is therefore requested for officers to secure the necessary mitigation measures in this regard.

8.0 Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

8.1 Breckland District Council, along with all other Norfolk Local Authorities have adopted the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) meaning any development where additional recreational impact is likely to be generated, will be required to pay a one off tariff of £185.93 per dwelling/unit to go towards the Norfolk Recreation Impact Avoidance Mitigation Strategy. This is because evidence from the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation strategy shows that schemes which create additional recreational impact (in combination with other development), in the zone of influence of European Protected wildlife site, will likely have a significant effect through recreation impact i.e. visiting sites for recreational purposes. On this basis, a signed Unilateral Undertaking has been received to secure this obligation.

9.0 Other issues

9.1 The Parish Council's comments in respect of the size of the dwelling are noted, however the outline permission did not condition any specific size restrictions in respect of scale or foot print.

9.2 In terms of the dwellings location, again, this has been established by previous permissions and we cannot pre-determine future applications. If in the future any agricultural restriction applied is requested to be removed, this would be assessed on its own merits.

9.3 The way in which the site has been brought forward to be developed is out of the control of Local Planning Authority, applications have to be assessed as and when they are received.

9.4 In respect of Policy HOU13 and the compliance of the application to this, this was fully considered and accepted via the Outline application and therefore the principle has been established.

10.0 Conclusion

10.1 The application is recommended for approval subject to delegated authority being granted to resolve

the matter with regards to Nutrient Neutrality mitigation.

RECOMMENDATION

The application is recommended for approval subject to delegated authority being granted to resolve the matter with regards to Nutrient Neutrality mitigation.

CONDITIONS

- 1 Full permission 3 year time limit**

The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason for condition:- To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 2 In accordance with submitted plans NEW 2017**

The development shall 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, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).
- 3 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:- To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM03, GEN02 and COM01 of the Breckland Local Plan (adopted 2019).
- 4 Agricultural worker's dwellings**

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working, in the locality in agriculture, as defined in section 336 of the Town and Country Planning Act 1990 (as amended), or in forestry, or a widow or widower of such a person, and to any residents dependents.

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 agricultural need for a dwelling on the site in accordance with policy HOU13 of the Breckland Local Plan (adopted 2019).
- 5 Implementation of submitted boundary treatment**

The boundary treatment shown on the plans and particulars hereby approved shall be constructed in the manner shown and completed before the dwelling is first occupied.

Reason for condition:- In the interests of the satisfactory appearance of the development in accordance with Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged
- 6 Access details to be agreed**

Prior to the first occupation of the dwelling hereby permitted the vehicular access shall be upgraded/widened in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:- To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policies COM01, TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

7 Any access gates/bollard/chain/other means of obstruction

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason for condition:- In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policies COM01, TR01 and TR02 of the Breckland Local Plan (adopted 2019).

8 Visibility splays

Prior to the first occupation of the development hereby permitted visibility splays measuring .24 metres x .43 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway

Reason for condition:- In the interests of highway safety in accordance with Policies COM01, TR01 and TR02 of the Breckland Local Plan (adopted 2019).

9 Access, parking and turning areas to be provided

Prior to the first occupation of the development hereby permitted the proposed access parking and turning 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 areas, in the interests of satisfactory development and highway safety in accordance with Policies COM01, HOU06, TR01 and TR02 of the Breckland Local Plan (adopted 2019).

10 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 Policy COM03 and Section 15 of the National Planning Policy Framework.

11

Water supply

Prior to the commencement of any development, a scheme for the provision, ownership and maintenance of the water supply shall be submitted in writing and agreed with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. Prior to first occupation of the development, the applicant/owner must contact the Environmental Protection Team at Breckland Council to arrange for a risk assessment to be carried out.

Reason for condition:- To ensure a satisfactory and wholesome supply of water for the proposed residents.

This condition will require to be discharged

12

Ecology conditions

16

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.