

ITEM:		RECOMMENDATION: REFUSAL
REF NO:	3PL/2021/1528/F	CASE OFFICER Matthew Blackie
LOCATION:	OLD BUCKENHAM Cuffer Lane	APPNTYPE: Full
APPLICANT:	Mr Ashley Whaley c/o agent	POLICY: Out Settlemnt Bndry
AGENT:	Plandescil Ltd Plandescil Ltd 42-44 Connaught Road	CONS AREA: N
PROPOSAL:	Erection of a New Agricultural Building	LB GRADE: N
		TPO: N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee due to a call in from the local ward member and public interest in the application.

KEY ISSUES

Principle of Development
Design & Appearance
Impact on Amenity
Impact on Highways
Ecological Considerations
Nutrient Neutrality
Other Matters

DESCRIPTION OF DEVELOPMENT

The application seeks the erection of a new agricultural building.

SITE AND LOCATION

The site is a green field that measures 1.9ha and it is situated to the north of New Buckenham, it is situated inside the parish of Old Buckenham. Development has commenced on site with various works and structures erected including fencing, entrance gate, bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store, chicken coop & earth bund and alterations to existing pond.

The site is situated on Cuffer Lane, the road is single track and provides access to the north of New Buckenham.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2021/1690/F

Change of use of land from agriculture land to mixed use of agriculture and leisure & domestic use (retrospective). Erection of fencing, entrance gate, bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store, chicken coop & earth bund and alterations to existing pond (retrospective).

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
GEN02	Promoting High Quality Design
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NEW BUCKENHAM PARISH COUNCIL

Strongly object on a number of grounds including unsuitable location, no need for the proposed development, impact on the open countryside, impact on Cuffer Lane, increase in traffic along Cuffer Lane, insufficient land contamination information and insufficient ecological information with impact on protected species.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection based on building for personal use only. Recommend conditions and informative note.

ENVIRONMENT AGENCY

No objection, subject to informative notes.

ENVIRONMENTAL HEALTH OFFICERS

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.

OLD BUCKENHAM P C

Old Buckenham Parish Council object strongly to the application on several grounds. Primarily, the road used to access the site is completely unsuitable for the heavy agricultural machinery mentioned in the application. The road is so small and narrow that it is mostly used by walkers and cyclists, including those on the Tas Valley Way route, which is adjacent. Due to the narrow nature of the road, agricultural machinery would likely have to access the site via the village of New Buckenham, which would cause many difficulties for residents as the roads are small and narrow. Secondly, there are several issues with the application itself. The application states there is no water course nearby, but then explains flood water will drain in to the existing water course. There are also trees and hedgerow nearby, despite the applicants claim there is not. Lastly, the site plan shows the pond in its original state, but it has since then been altered to be significantly bigger than its original size. Overall, the Parish Council object strongly to the application as they feel that the site and its access is unsuitable for the storage of large machinery and would cause significant disruption and problems for the residents of New Buckenham.

KEN HAWKINS, THE RAMBLERS

The Ramblers opposes this application. The application does not acknowledge the use of Cuffer Lane for walkers using the lane itself, also as a means of reaching New Buckenham from the north via Old Buckenham FP8, which joins Cuffer Lane adjacent to the proposed barn.

NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY

We have no objections on Public Rights of Way grounds as although Old Buckenham footpath 8 is in the vicinity, it does not appear to be directly affected by the proposals. We would however raise a concern that an increase in vehicle movements along the narrow Cuffer Lane would have a negative impact on the Public Right of Way users who have to use this route in order to access the public footpath which forms part of the Tas Valley Way.

TREE AND COUNTRYSIDE CONSULTANT

No objection provided that hedgerow along Cuffers lane remains intact

ECOLOGY

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to condition and informative notes.

NATURAL ENGLAND

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

REPRESENTATIONS

Public site notice expired 05/06/2022

Neighbourhood consultation expired 13/09/2022

28 letters of objection received:

- Development has commenced on site and continually occurring without permission

- Increased in traffic movements and detrimental to the users to Cuffer Lane including pedestrians and cyclists
- Impact on ecology from the existing development
- Increase in pond without authorised permission. Concerns over chemical used within the pond.
- Concerns over commercial use of the site including on storage of business related materials
- Trade waste being incinerated on site
- Domestic/Leisure use is too broad and potential for commercial use of the site
- Existing use of site for applicant's business
- Impact on residential amenity along Cuffer Lane and further potential for New Buckenham residents
- No agricultural need has been identified
- Building too dominant on landscape and it is excessive in size
- What will be stored in the proposed building

CPRE Norfolk has also written in objecting to the application, on the following grounds:

Despite generally wanting to support the growth of rural-based businesses:

Traffic - We have major concerns regarding the location of the site in terms of (heavy) vehicle access to it along the surrounding minor road network. In particular we feel this would lead to potential conflicts between members of the public on foot, cycles or on horseback, and vehicles which would be using the site, both during construction and operation. This is of increased concern due to the section of Cuffer Lane which directly passes the site being part of the Tas Valley Way. This makes the proposal contrary to NPPF paragraph 110 as this significant impact on highway safety from the development could not effectively be mitigated for. We feel the development would lead to an unacceptable impact on road safety and should therefore be refused permission, in line with NPPF paragraph 111.

Water and drainage - We are concerned about the seeming contradiction on the application form which states that the proposal is not within 20m of a watercourse, and yet states that surface water will be disposed of via an existing water course. In addition, it appears that there may have been a possible breach of planning in that a pond on-site has been considerably enlarged without apparently going through the planning process. This aspect should be investigated by the planning enforcement team and, if necessary, retrospective permission should be sought.

Access - It appears that vehicle access to the site has been amended in the recent past, apparently without going through the planning process. This aspect should be investigated by the planning enforcement team and, if necessary, retrospective permission should be sought.

ASSESSMENT NOTES

1.0 Principle of Development

1.1. The site lies within open countryside and inside the Parish of Old Buckenham.

1.2. No specific agricultural need has been identified for the erection of a new agricultural building. It is noted application 3PL/2021/1690/F seeks to the change the use of the land from agricultural to leisure/domestic, the proposed building is to help with the maintenance of the site. However, the change of use is considered unacceptable and it means the justification of the building has not been demonstrated. No agricultural justification has been provided.

1.3. It is noted by the applicant that the purpose of the building is to store equipment to help with maintenance of the site. However, it is considered the proposed change of use is not acceptable and it does

not warrant the need for the building.

1.3. The principle for development is therefore considered not acceptable and contrary with policy ENV05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

2.0 Design and Appearance

2.1. Section 12 of the NPPF (2021) and Policy GEN 02 of the Breckland Local Plan (adopted 2019) require high quality design in all development within the district which respects and is sensitive to the character of the surrounding area. Policy COM 01 of the Breckland Local Plan (adopted 2019) 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 ENV 05 of the Breckland Local Plan (adopted 2019) requires development proposals to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 174 of the National Planning Policy Framework (2021) is also relevant.

2.3. The proposed building is considered as unacceptable regarding design as it will impact detrimentally on the character of the area. The surrounding area is incredibly rural and it is set within open countryside, the erection of the building is considered as intrusion into the open countryside. The surrounding area is open countryside with little development along Cuffer Lane, the character of the area is very rural and it is considered the erection of the building goes against the character of the area. It is considered the development goes against the rural character of the area and the proposed purpose of the building is not acceptable.

2.4. Overall, the proposed development is not acceptable regarding design and appearance, contrary with policies COM01, GEN02 & ENV05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

3.0 Impact on Amenity

3.1 Policy COM03 of the Local Plan 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 proposed building includes 2 shutter roller doors, one standard door and 4 velux windows. The proposed fenestration is considered acceptable and will not result in detrimental impact on the wider area. Environmental Health were consulted and raised no objection.

3.3. Overall, the proposed development is acceptable regarding impact on amenity, according with policy COM03 of the Breckland Local Plan (adopted 2019), the New Buckenham Neighbourhood Plan (adopted 2022), as well as the National Planning Policy Framework (2021).

4.0 Impact on Highways

4.1. Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development 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. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

4.2. The highways officer was consulted and raised no objection subject to conditions and an informative note. However, the no objection was raised on the building being for personal use only and having no commercial purpose.

4.3. Concerns have been raised locally by objectors and both New Buckenham and Old Buckenham Parish Council on an increase of traffic along Cuffer Lane with the potential impact on users of the lane including pedestrians and cyclists. It is accepted the use of the site has the potential to increase traffic along Cuffer Lane but it has been stated the building is for personal use only, no commercial use is intended. If the application were to be recommended for approval, a condition restricting it to personal use only would be imposed.

4.4. On this basis, the impacts on the highways would be acceptable and accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

5.0 Ecological Considerations

Both Policy ENV02 of the Breckland Local Plan and the guidance contained within Section 15 of the National Planning Policy Framework (2021) require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

5.2. Concerns were raised by local resident over the lack of an ecology survey and impact on biodiversity. An ecology survey was submitted during the application process following a request from the case officer. No objection were raised by the ecological consultant subject to conditions.

5.3. Concerns have been raised locally by objectors and New Buckenham and Old Buckenham Parish Council's on the grounds work that has occurred on site, which has had a detrimental impact upon ecology. The concerns are noted with regards the original baseline not being established. However, the matter for ecological consideration on this particular application relates solely to the proposed building, this being what is applied for in this application. Therefore, on balance, it is considered ecological considerations are acceptable in this instance, subject to conditions. The proposals are therefore considered to accord with Policy ENV02 of the Breckland Local Plan and Section 15 of the National Planning Policy Framework (2021).

6.0 Nutrient Neutrality

6.1. This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended (Habitats Regs)). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located outside of the catchment area of the sites identified by Natural England. The development proposed does not involve the creation of additional overnight accommodation and is such it is unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to

further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

7.0 Other Matters

7.1. The proposed development is not creating additional overnight accommodation and is therefore not required to make a GIRAMs payment.

7.2. New Buckenham Parish Council have requested for the application to be assessed against the New Buckenham Neighbourhood Plan (adopted 2022). However, the site falls outside the defined Neighbourhood Plan Area which includes the Parish of New Buckenham and an agreed defined part of Old Buckenham's Parish relating to the Conservation area. As the site falls outside the neighbourhood plan area, no weight can be attached to the New Buckenham Neighbourhood Plan (adopted 2022).

8.0 Conclusion

8.1. For the reasons, as explained above, the proposal is not considered to accord with the Development Plan, taking into consideration any relevant material planning considerations, in terms of principle and design and on that basis, the application is accordingly recommended for refusal.

RECOMMENDATION

On the basis of the above assessment, the application is recommended for REFUSAL for the grounds listed below.

REASON(S) FOR REFUSAL

1

Non-std reason for refusal

The proposed agricultural building is considered excessive in regards of scale, height and mass with no justification identified for the development. It would alter the appearance of the open countryside and not preserve or enhance the intrinsic character and beauty of the countryside. Therefore, failing to have due regard to Policies GEN 02, COM 01 & ENV 05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).