

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2022/0439/F	<b>CASE OFFICER</b>	Matthew Blackie
<b>LOCATION:</b>	SHROPHAM Caretakers House Larling Road	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr and Mrs J Morfoot Millers House Old Station Yard	<b>POLICY:</b>	Out Settlement Bndry
<b>AGENT:</b>	Cowen Consulting Chiara Mere Road	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	A building to provide residential accommodation for a site manager/caretaker including new highway access, private drive and hardstandings together with associated facilities including an office, guest parking, laundry facilities, garage and stores essential for the management, maintenance, security and general upkeep of the holiday accommodation located at Settle		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to planning committee as the agent is a local councillor.

#### KEY ISSUES

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

#### DESCRIPTION OF DEVELOPMENT

The application seeks the erection of a building to provide residential accommodation for a site manager/caretaker including new highway access, private drive and hardstandings together with associated facilities including an office, guest parking, laundry facilities, garage and stores essential for the management, maintenance, security and general upkeep of the holiday accommodation located at Settle.

#### SITE AND LOCATION

The site operates as a holiday tourism destination. The application site falls beyond any Settlement Boundary and lies between Shropham and Hockham. The site is accessed from the B1111 to the west of the site and the road to Shropham village to the north. The site is well screened by vegetation and areas of woodland such that views into the site are restricted. The site is a County Wildlife Site. It is heavily wooded and well

screened from the adjoining highways and surrounding land with open grassed areas within the site and three ponds.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3NM/2019/0007/NMA	Permission	06-02-19
Amendment to 3PL/2016/0857/F - (erection of two holiday cabins & increase in size of 1 cabin) - change in size of external windows and doors (3 x holiday cabins)		
3PL/2015/0398/F	Permission	27-07-15
Use of site for 4 glamping wagons, erection of storage building, toilets & laundry & extend access road		
3PL/2016/0857/F	Permission	23-09-16
Erection of two holiday cabins and increase in size for 1 x cabin		
3PL/2017/0584/F	Permission	14-11-17
Erection of storage building including toilets and laundry facilities (Retrospective)		
3PL/2022/0467/F	Permission	28-07-22
The construction of a soft, no dig track to provide vehicle access to The Hub (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
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU13	Rural Workers Dwellings
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**SHROPHAM PARISH COUNCIL**

It is considered that the proposed application will not have a significant adverse impact on the surrounding area and will be sympathetic to its environment. The Parish Council did however consider that a new entrance road to the property should be removed and the existing entrance used. This was suggested to the Applicant who felt that the road was not necessary and would be happy to use the existing entrance. Therefore, subject to removal of the new entrance road, the Parish Council have no objections to this application.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

I note that the dwelling is to be served by the existing access to the holiday accommodation and that no new access, onto the public highway, will be formed. On that basis this Authority does not wish to raise an objection

**NATURAL ENGLAND**

No comment.

**ECOLOGY**

No objection, subject to conditions.

**NORFOLK WILDLIFE TRUST**

Our key concerns are regarding the dead tree (TN1) and the potential for roosting bats, alongside light spillage concerns. We would also recommend, as a precautionary measure, obtaining more detailed information around the management and collection of wastewater as the proposal is adjacent to a County Wildlife Site.

**TREE AND COUNTRYSIDE CONSULTANT**

I need to see some further information before I comment fully. The applicant has supplied a tree survey and a tree constraints plan but I really need to see an arboricultural implications assessment, arboricultural method statement and a tree protection plan in conjunction with BS5837:2012

**REPRESENTATIONS**

Neighbourhood consultation expired 09/09/2022.

Site Notice expired 15/09/2022.

Eastern Daily Press advert expired 19/09/2022.

Weekly list expired 17/05/2022.

2 Objections received, their comments are summarised, as follows:

- Contrary to policy HOU04.
- Impact on character and appearance of the area.
- Visible from key vantage points and against prevailing pattern of development.
- Height of proposed development too significant.

**ASSESSMENT NOTES**

**1.0 Principle of Development**

1.1 Proposals for permanent dwellings in the countryside for full-time workers in agriculture, horticulture, forestry, and other rural activities are considered in accordance with Policy HOU13 of the Breckland Local Plan (adopted 2019). The text accompanying Policy HOU13 in the Local Plan, outlined in paragraph 3.92 states '*As a rural district, Breckland is home to a significant number of rural enterprises. The needs of these businesses are different to an urban office based business and may require staff to be located in close proximity to their place of work. The following policy sets out how proposals for dwellings in the countryside catering for rural workers will be assessed*'. On this basis, the rural workers of Seattle are considered relevant to Policy HOU13 of the Local Plan, which permits dwellings on the basis of the following criteria:

- 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.*

1.2 The proposed dwelling is proposed to support the operation of a rural tourism destination. Seattle provides holiday accommodation and the proposed dwelling is stated, to support the expanding operation for the business. The site has been operational for more than 3 years. It is considered limited justification has been provided for the proposed development, the need is based upon the proposed future expansion of the business, which again is supported by limited justification. It is considered a glamping/tourism site, especially of its current scale, can be managed, similar to the current site, without a permanent dwelling. Several other sites in the District have operated successfully without full time members of staff being present on site, the operations of some of these sites are considered far greater in scale. The site is of limited size (although the future expansion is noted) with only a lake side cabin, 3 lake side converted old railway goods wagons and 3 bell tents at the campers camp, all providing double bed accommodations totalling 14 no guests. The only justification provided is that it is 'inconvenient and inefficient for the caretakers to travel to and fro, from their current home at all times of the day and night, frequently making multiple trips a day'; a caretaker on site is required and expected by guests; to make people aware of the site and hazards; and in the case of emergencies. A later additional information justification document states that the applicants only live 4 miles away; accommodation is scattered throughout the site; and to manage holiday cabins, carriage accommodation and camping areas consisting of woodland, open meadows and a number of large natural ponds.

1.3 The information provided, the number of units and the operations are considered insufficient to justify a dwelling in this location (14 guests). No financial information or business plan has been submitted to demonstrate the business is viable or its future expansion nor information to demonstrate that it would not be unusually expensive to construct in relation to the income that an enterprise of this scale could sustain. Point 9 above has not been considered in terms of temporary accommodation either. No search of nearby accommodation has been made to demonstrate that there isn't something already available. Insufficient justification has been provided to support a dwelling of the scale proposed and the need for a dwelling, in terms of welcoming guests, providing catering facilities on site, and managing the site, for only a limited number of stays, is insufficient to justify a rural dwelling, contrary to Policy HOU13 of the Breckland Local Plan (adopted 2019).

1.4 The proposed design and appearance is considered an issue and contrary to policy HOU13, further detail is contained in the 'Design and Appearance' section.

1.5 The proposal is considered contrary with policy HOU13 of the Breckland Local Plan (adopted 2019) and the principle of development is not established, subject to the further assessment on design and appearance, is set out below.

## **2.0 Design and Appearance**

2.1 Policies COM01, ENV05 and GEN02 of the Breckland Local Plan (2019) seeks to ensure high quality standard for new developments and to help with protecting the character of the wider area.

2.2 The proposed dwelling is two storey and situated towards to the south of the site and utilising the existing access from Larling Road. The proposed dwelling combines personal living including 3 bedrooms with a lounge/kitchen area & for business use including laundry facilities and an office with a public entrance.

2.3 The proposed scale, height and mass of the dwelling is considered unacceptable and no justification has been provided for a building of the scale on site. The proposed development is set back within the site and is screened by mature trees and hedgerow along the western boundary of the site. The proposed materials are acceptable and will not result in a detrimental impact to the character and appearance of the area. However, the proposed scale is too significant for an operation of this scale and deemed as being unsatisfactory, it will be considered out of character for the local woodland appearance. The proposed scale, height and mass is considered visual intrusion into the open countryside and would encroach on the open countryside.

2.4 Overall, the scale, height and mass of the dwelling is considered unacceptable and insufficient justification has been provide for the need for a rural worker dwelling accordingly the proposal is considered contrary to Policies COM01, GEN02, ENV05 and HOU13 of the Breckland Local Plan (adopted 2019) and the National Planning Policy Framework (2021).

## **3.0 Impact on Amenity**

3.1 Policy COM03 of the Breckland Local Plan (2019) seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

3.2 The proposed development does not overlook any nearby residential dwellings and it is sufficiently screened from the main road. Balconies are proposed on the first floor eastern and south elevations for the dwelling, it will not lead to significant overlooking and will not result in detrimental impact on existing amenity

provisions.

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

#### **4.0 Impact on Highways**

4.1 The Highways officer was consulted as part of the application and raised no objection given the track is accessed via an existing access from the local highways network. On this basis, the proposal is considered acceptable and in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019), and the National Planning Policy Framework (2021).

#### **5.0 Ecological Considerations**

5.1 Both policy ENV02 of the Local Plan and the guidance contained within section 15 of the NPPF (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 An ecology survey was submitted in support of the application after a request from the case officer, the site is situated within a County Wildlife Site and it is a woodland. No objections were raised by Natural England nor the ecological consultant subject to conditions. The Norfolk Wildlife Trust raised some concerns including potential impact on roosting bats within trees and potential light spillage. The comments are noted and additional conditions including the need for bird surveys and a sensitive wildlife lighting scheme could be imposed to mitigate further impact on ecology.

5.3 On balance, the proposed development is considered acceptable in accordance with policy ENV02 of the Breckland Local Plan (adopted 2019) and Section 15 of the National Planning Policy Framework (2021).

#### **6.0 Trees and Landscaping**

6.1 Policy ENV06 of the Breckland Local Plan requires existing trees and hedgerows should be retained and integrated into proposed development.

6.2 The tree officer raised concern over the insufficient information and have requested an arboricultural implications assessment, arboricultural method statement and a tree protection plan in conjunction with BS5837:2012.

6.3. Overall, the proposed development is considered not acceptable regarding impact on trees, contrary with policy ENV06 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

#### **7.0 Nutrient Neutrality**

7.1 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 Regulations). 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 applicant has demonstrated that the development proposed does not drain into the Catchment 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).

## **8.0 Other Matters**

8.1 Breckland, and all Norfolk Authorities, have signed up to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). This strategy has looked at the in combination increase in recreational pressures on Habitat Sites, the impact has been evidenced by GIRAMS which 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. Breckland District Council, along with all other Norfolk Authorities, require a one-off tariff of £185.93 per unit to go towards the Norfolk Recreation Impact Avoidance Mitigation Strategy to be secured through a Unilateral Undertaking. This will need to be agreed and signed prior to the determination of the application and monies paid prior to commencement of development. A draft Unilateral Undertaking and £75 administration fee has yet to be received and it is sought to delegate this matter to officers if the application is recommended for approval.

8.2 An objector raised concern the proposed development was not considered acceptable under policy HOU04 of the Breckland Local Plan (adopted 2019). It is agreed that the proposal would not meet the requirements of Policy HOU04 of the Breckland Local Plan (adopted 2019). However, the proposed development, as set out above, is assessed against policy HOU13 of the Breckland Local Plan (adopted 2019), which allows for development, such as this whereby it is for rural workers dwelling.

## **9.0. Conclusion**

9.1 In terms of planning balance, the proposed development is not considered acceptable as limited justification for has been provided to support the need for a rural workers dwelling on site. The proposed height, scale and mass are considered too excessive resulting on impact on the open countryside contrary to Policies HOU13, COM01, GEN02 and ENV05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

9.2 Also, insufficient information has been provided relating to arboricultural matters contrary to Policy ENV06 of the Breckland Local Plan (Adopted 2019) and Section 15 of the National Planning Policy Framework (2021). It is therefore recommended that planning permission be refused.

### **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**  
Insufficient justification has been provided to demonstrated that a dwelling in this location is

essential to the functional needs of the business, contrary to Policy HOU13 of the Breckland Local Plan (adopted). Furthermore, the scale of the dwelling proposed would exceed the functional needs of the enterprise and no information has been provided to demonstrate that it would not be unusually expensive to construct in relation to the income that an enterprise of this scale could sustain. In addition, a dwelling in this area would not be supported by Policies GEN02 and HOU05 of the Breckland Local Plan (adopted 2019) due to being an unsustainable location. The proposed development is therefore contrary to Policies HOU 13, GEN 02, COM 01 and ENV 05 of the Breckland Local Plan (Adopted 2019).

**2 Non-std reason for refusal**

The scale, height and mass of the proposed dwelling would result in the unwarranted harmful intrusion of development into the countryside setting, detracting from the rural character and appearance of the site and surrounding rural area, contrary to Policies HOU 13, GEN 02, COM 01 and ENV 05 of the Breckland Local Plan (Adopted 2019).

**3 Non-std reason for refusal**

Insufficient information has been provided in respect of the arboricultural implications of the development, to demonstrate significant Trees and Hedgerows would not be impacted by the development, contrary to Policies ENV06 & HOU13 of the Breckland Local Plan (adopted 2019).