

Parish:	Bircham	
Proposal:	Retention of shed on adjacent land	
Location:	Toft Lodge Stanhoe Road Bircham Tofts King's Lynn	
Applicant:	Mr Chestney	
Case No:	19/01485/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 24 October 2019

Reason for Referral to Planning Committee – Called in by Cllr Morley

Neighbourhood Plan: No

Case Summary

Retrospective permission is sought for the retention of a shed for domestic use on agricultural land designated as countryside.

Key Issues

Principle of Development
Impact on Character of Countryside

Recommendation

REFUSE

THE APPLICATION

The application seeks retrospective consent for the retention of a domestic shed, measuring 6.1m x 14.6m (89m²) with a ridge height of 3.9m and an eaves height of 2.45m, for storing a tractor, grass cutter and other implements.

A greater area of countryside has been taken than that beneath the shed on agricultural land, and this wider area measures c.1974m². However, the application before members only seeks retention of the shed and by association the change of use of the land beneath it. As such the change of use of the remainder of the land is currently outside the remit of this application and may therefore be liable to enforcement action unless a further application is made.

SUPPORTING CASE

None received at time of writing report

PLANNING HISTORY

2/93/0340/O- Refusal for single Dwelling

2/89/3302/O- Outline permission for one dwelling

2/88/4869/O- Outline permission for two dwellings

RESPONSE TO CONSULTATION

Parish Council: The Parish Council have **NO OBJECTION** to the retention of the shed if conditions restricting its use to the current applicants for their personal and domestic use only are applied to enable them to store their tractor.

The Council would not want to see any commercial activity on this site or set a precedent for future use for business or residential, but consider that restrictive conditions should meet that requirement.

Highways Authority: Thank you for the consultation received recently relating to the above development proposal, for the retention of a large timber building and inclusion of the surrounding parcel of land within the residential curtilage of the above property.

Having carried out my site visit and noted the unmade narrow access, I would have concerns if any commercial use were to take place, however, on the basis that the building and land are incidental to the use of Toft Lodge, and will not result in increased use of the access arrangements, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the grant of consent.

Natural England: **NO OBJECTION** in relation to impact on protected sites

REPRESENTATIONS

Four letters of **support** have been received from third party representatives. The reasons for support can be summarised as:

- The area has been sympathetically tidied up and the tractor shed blends in well with the surrounding area
- The development enhances bio diversity and overtime will blend in seamlessly with the natural environment
- The land was previously overgrown and the site has now been discreetly cleared and a wild flower meadow planted
- The tractor shed is needed to conserve this small parcel of land
- Has stopped fly tipping on the land.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are whether there are any material considerations to permit domestic encroachment and development within the countryside contrary to national and local planning policy and guidance and the impact on the character of the countryside.

Principle of Development

The site lies in countryside where development of greenfield sites is to be resisted at both national and local level unless essential in relation to a rural enterprise. This is not the case in this instance as the shed is for domestic use.

The shed has a footprint of c.89m². In comparison the footprint of the dwellinghouse (including a conservatory, a single storey rear extension and front porch) is also c.89m². That is to say the domestic shed has a footprint as large as that of the dwellinghouse. The dwelling also benefits from a substantially extended garage measuring c.100m² permitted in 2007; the applicant for the garage being the same as for the current application.

The existing curtilage of the house, given its already substantially extended garage, could not facilitate the new shed. One can only assume therefore that is why the applicant purchased the parcel of agricultural land to the west of their curtilage in 2018.

Your officers consider there is no justification for such a large building on agricultural land to serve domestic purposes, especially when there is already an extensive garage available to the applicant. There are not considered to be any material planning considerations for allowing such development.

Impact on Character of the Countryside

In terms of impact on the character of the countryside the shed is clearly visible from the east when driving past Toft Lodge. Indeed it was its visual appearance in the landscape that resulted in notification of the development to the enforcement team and subsequent submission of this application. The change in character that has occurred by placing an overly large domestic building on agricultural land and the erosion of the rural setting that has resulted has caused unacceptable harm to the countryside.

Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development.

Conclusion

The development represents encroachment into the countryside with a substantial domestic building for which there are no material planning considerations that outweigh the policy conflict and harm to the character of the countryside.

It is therefore recommended that this application be refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Paragraph 170 of the NPPF states that Local Planning Authorities should recognise the intrinsic character and beauty of the countryside, this is reiterated in Local Plan Policies CS06 and DM2 which resist development in the countryside unless a suitable rural use can be demonstrated. The application involves change of use of the land on which the building is sited from agriculture to domestic together with the erection of an oversized domestic structure. This has resulted in an adverse impact on the character and appearance of the countryside, and there are no material considerations to outweigh this harm. The change of use and physical development are therefore contrary to the NPPF and Local Plan Policies CS06 and DM2.