

Parish:	Old Hunstanton	
Proposal:	Change of use of land from allotment to garden space	
Location:	6 Sea Lane Old Hunstanton Hunstanton Norfolk	
Applicant:	Bespoke Norfolk Ltd	
Case No:	19/01609/CU (Change of Use Application)	
Case Officer:	Mrs K Lawty	Date for Determination: 11 November 2019 Extension of Time Expiry Date: 17 January 2020

Reason for Referral to Planning Committee – Contrary to Parish Council recommendation

Neighbourhood Plan: No

Case Summary

The application proposes the change of use of a parcel of land (approximately 4m deep by 20m long) from allotment land to garden land. The proposed private amenity space would be for use in association with No. 6 Sea Lane, Old Hunstanton.

Currently the land is part of a larger allotment garden site which is privately owned and managed by Le Strange Estate. This piece of land is not currently actively used as an allotment and is part grassed and part overgrown and unmanaged.

The site is within the settlement boundary of Old Hunstanton, which is a 'Rural Village'. The property, No.6 Sea Lane, is within the Conservation Area whilst the allotment site lies adjacent to it.

The site is surrounded by No.6 Sea Lane to the west, allotment land to the north and east and a children's playground to the south.

Key Issues

The main planning considerations in regards to the application are:-

- Principle of Development
- Loss of allotment land
- Impact upon Heritage Assets
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application proposes the change of use of a parcel of land from allotment land to private garden land. The proposed private amenity space would be for use in association with No. 6 Sea Lane, Old Hunstanton.

Currently the land is part of a larger allotment garden site which is privately owned and managed by Le Strange Estate. This piece of land is not currently actively used as an allotment and is part grassed and part overgrown and unmanaged.

The site is within the settlement boundary of Old Hunstanton, which is a 'Rural Village'.

The site is surrounded by No.6 Sea Lane to the west, allotment land to the north and east and a children's playground to the south.

SUPPORTING CASE

Allotment area = 4340m²

Area proposed for change of use = 85.8m²

% of allotment to be lost = 1.98%

The proposal includes the change of use of 1.98% of allotment space in Old Hunstanton, to form garden space. These figures are based on the allotments having an area of 4340m², and the area in question is 85.8m². It should be noted that there is a covenant on the land stating owners must not build on the space, which shall of course be adhered to.

The land in question was used as an allotment for a short period in 2010. It was found to be full of brick rubble, slabs & roots, it was extremely difficult to clear and has therefore not been used as growing space since. The allotment holder was given another area within the allotment which one of the other allotment holders vacated.

There are 11 allotments in total. One of the other allotment holders has been keeping the area tidy to stop weeds but it has not been cultivated nor grown on for a number of years due to its condition. The site does not have a waiting list at present.

Given that it is such a small area of allotment, and it is not and hasn't been for a long time used for growing. The area is not in any state for such use, and it wouldn't be a detrimental loss to the allotment due to the above.

DM9 a) says loss of allotment space is acceptable if;

"a) the area currently served by it would remain suitably provided following the loss" which as aforementioned, it would be given that there is still 4254.2m² of allotment to be used, all of which is in a better state for growing and allotment use.

PLANNING HISTORY

19/01455/F: Application Permitted: 27/09/19 - Single storey extensions, loft conversion, re-modelling of dwelling and widening of access including partial demolition of boundary wall - 6 Sea Lane, Old Hunstanton, Hunstanton Norfolk PE36 6JN

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Old Hunstanton Parish Council would be unhappy with the loss of allotment land, especially as a recent survey of residents conducted for the preparation of a Neighbourhood Plan found that 98% of respondents felt it important to maintain existing green and open spaces within the village. This would also be at odds with Government policy which views allotments as valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle, and as part of the long-term promotion of environmental sustainability. The Council would welcome clarification of the law relating to the disposal of allotments provided by a landowner.

The Council understands that the land in question is of poor quality and not under cultivation, which may influence the situation. If change of use were to be permitted, and the land used as a garden, the Council would wish there to be restrictions to prevent any future building on the land.

Conservation Team: NO OBJECTION - This site is well screened from the public domain by high walls and will therefore have minimal impact on the conservation area. This type of change of use will also have no impact on the nearby listed buildings.

Natural England: NO COMMENTS

REPRESENTATIONS

No third party comments received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM22 - Protection of Local Open Space

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues in the determination of this application are:

- Principle of Development;
- Loss of Allotment Land;
- Other Material Considerations

Principle of Development

The site is within the settlement of Old Hunstanton, which is a Rural Village. The site is not within, but does adjoin the Conservation Area.

The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The provision of allotments is specifically referred to at paragraph 91 c).

Paragraph 91 refers: 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

At a local level the importance of open spaces and landscaping is reiterated in the Core Strategy. Policy CS08 refers to the provision of green space to provide recreation opportunities and improve the quality of life for people living in the area. Policy CS13 refers to the need to promote healthy and active lifestyles and support proposals that protect, retain or enhance sports, leisure and recreation facilities.

In the SADMP Policy DM9 states that the Council will encourage the retention of existing community facilities and that development that leads to the loss of an existing community facility will not be permitted unless it is demonstrated that the area currently served by it would remain suitably provided following the loss, or if not, it is no longer viable or feasible to retain the premises in a community facility use.

Policy DM16 states that the Council will seek to resist the loss of allotments in areas where there is a current or predicted demand for such facilities, unless the loss were to be offset by alternative provision of an equal or higher quality in the vicinity.

Policy DM22 seeks the protection of open space and states that any open space will be assessed in terms of its public access, visual amenity, local distinctiveness, landscape character, recreational value, biodiversity and cultural value. Proposals that will result in the

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loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.

Loss of Allotment Land

The proposal would result in benefits in terms of private amenity for the occupants of No. 6 Sea Lane which has a very modest amount of associated garden land. However, the proposal would also result in the loss of this strip of land for allotment purposes, and the Parish Council has objected to this. They claim that 98% of respondents during the preparation of the Neighbourhood Plan felt it was important to maintain existing green and open spaces within the village.

The applicant has provided information to state that the land in question was last used as an allotment for a short period in 2010. The applicant also states that the condition of the land is such that it would take significant time and effort to be able to use it for the growing of flowers, fruit or vegetables. Due to its condition the last allotment holder swapped this plot for another within the allotment site when it became available.

The applicant states that there are a total of 11 allotments on the allotment site and there is no waiting list for a plot. The supporting text explains that the whole allotment area amounts to 4340m² and the area proposed for the change of use is 85.8m², which results in the loss of 1.98% of allotment land.

Policy DM9 states that 'development that leads to the loss of an existing community facility will not be permitted unless it is demonstrated that the area currently served by it would remain suitably provided following the loss, or if not, it is no longer viable or feasible to retain the premises in a community facility use.' The applicant claims that 4254.2m² of allotment land would remain and that the condition of the land is not appropriate for its purpose so there would be no conflict with this policy.

Whilst the allotment land clearly provides a recreational function for allotment holders and there are visual amenity benefits provided by their open character, this part of the allotments is less visible publicly than other parts of the allotment land. It is therefore considered that this strip of land provides very limited benefits in terms of visual amenity.

Policy DM16 states that the Council seeks the retention of allotments where an identified need is presented. In this case the applicant confirms there is no current waiting list for these allotments.

Policy DM22 states that 'Proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.'

The value of allotment land in terms of promoting active and healthy lifestyles, providing a community facility as well as environmental benefits is acknowledged and national and local policies seek to resist their loss where possible. In this case, however, it is considered that the loss of this small parcel of land would not be of detriment to occupiers of adjacent dwellings or to the area as a whole. Accordingly it is considered the benefits to the private householder No. 6 Sea Lane (which currently has a very modest amount of associated garden land) outweigh the loss of a modest proportion of poor quality allotment land which, due to its location, offers only limited public visual amenity benefits.

Heritage Assets

There are listed buildings in the vicinity on Sea Lane and Old Hunstanton Road, but these are not immediately adjacent to the site.

The Conservation Area boundary runs along the rear (north east boundary) of No.6 Sea Lane and its existing curtilage. The application site is outside the Conservation Area but, given that it adjoins the Conservation Area, consideration has to be given to its impact on heritage assets.

Para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

In this case the Conservation Officer raises no objection to the proposal stating that the site is well screened from the public domain by high walls and will therefore have minimal impact on the conservation area.

The Conservation Officer also confirms this type of change of use will have no impact on the nearby listed buildings.

In this case there are no implications for heritage assets.

Other Material Considerations

The Parish Council has sought clarification on the law relating to the disposal of allotments. These allotments are privately operated by the Le Strange Estate. Private allotments do not face the same legal restrictions when it comes to the provision of allotment land. Unlike local authorities, private companies and individuals are not under any obligation to provide allotments. Additionally, unlike local authorities, it is not necessary for a private owner to seek the consent of the Secretary of State to use or dispose of the land for purposes other than allotments use.

If included within the curtilage of No.6 Sea Lane the land would benefit from certain permitted development rights. The Parish Council requests that, if supported, any permission should contain restrictions to prevent any future building on the land. It is agreed that development on this land may have visual amenity or neighbour amenity issues and it is recommended that a planning condition be imposed on any permission.

The site lies within 2km of a SSSI (The Wash SSSI). However, in this case the proposed development would not have a significant adverse effect on the features on which the SSSI is designated.

CONCLUSION

The proposed use of this strip of land for garden land would provide private amenity benefits for the occupants of No. 6 Sea Lane. The quality of the land for allotment purposes is said to be poor and does not currently function as a working allotment plot. This parcel of land has not been used as an allotment since 2011. Therefore the recreational value of the land is currently limited.

The current existing parcel of allotment land is at the back of No. 6 Sea Lane and is not visible from main public views. Its visual amenity value is considered to be relatively low.

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Neither is it highly visible in the Conservation Area. The loss of this parcel of land would therefore not be of any material detriment to the occupiers of adjacent dwellings or the character of the area as a whole.

There is no current waiting list for a plot on this private allotment site and no indication that such demand is likely to change in the future. Whilst Policy DM16 seeks the general retention of allotment land, this is in areas where an identified need is presented and that does not apply in this case.

Whilst policy requires that the Local Planning Authority should generally seek to retain open spaces, it is considered that, on balance, the loss of this small parcel of poor quality land would not have significant consequences. All other allotment plots on the larger allotment site will remain unaffected by the proposal and there is no evidence of current demand for plots on this private site.

The allotment use is recognised as a valuable community and asset and its loss may cause conflict with the provisions of Policies DM9, DM16 and DM22. However, given the individual circumstances, it is considered the benefits to the private householder No. 6 Sea Lane (which currently has a very modest amount of associated garden land) outweigh the loss of a modest proportion of poor quality allotment land which, due to its location, offers only limited public visual amenity benefits.

For the reasons given above, it is recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1964 100, Site & Location Plans.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwellinghouse and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 3 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 4 Condition: Prior to the first use of the site for domestic purposes, a scheme for the boundary treatment of the site shall be submitted to and be agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within 3 months of

the first use of the site for domestic purposes and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

- 4 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.