

**AGENDA ITEM NO: 8/2(f)**

<b>Parish:</b>	<b>Stow Bardolph</b>	
<b>Proposal:</b>	<b>Outline application for construction of dwellinghouse, incorporating small animal care and boarding facility</b>	
<b>Location:</b>	<b>Land At Hybrid Farm 246 The Drove Barroway Drove Norfolk</b>	
<b>Applicant:</b>	<b>Client of Hereward Services</b>	
<b>Case No:</b>	<b>20/00224/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 22 April 2020 Extension of Time Expiry Date: 26 June 2020</b>
<b>Reason for Referral to Planning Committee</b> – Called in by Councillor Rose		
<b>Neighbourhood Plan:</b> No		

**Case Summary**

The application is for outline consent with access to be considered at this stage for the construction of a dwelling on land known as Hybrid Farm, 246 The Drove, Barroway Drove. The existing site comprises agricultural land with a Nissan hut style storage building to the rear, a derelict brick barn is in blue land to the north of the site.

This application involves a 0.15Ha parcel of agricultural land on the south-east side of The Drove, approx. 2km from the junction with Lady Drove. It has a road frontage of some 48m and depth of 52m. Outline permission is sought for residential development with access details provided and appearance, landscaping, layout and scale reserved.

Barroway Drove is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and development on the site is therefore restricted to that which is identified as suitable in countryside locations in accordance with Policy DM3 of the Site Allocations and Development Management Policies Plan (2016). The site is located within Flood Zones 2 & 3 within the Borough Council's SFRA (2018).

**Key Issues**

Principle of Development  
Flood Risk  
Form and Character  
Highways and Access  
Any other matters requiring consideration prior to the determination of the application

**Recommendation****REFUSE**

## **THE APPLICATION**

The application is for outline consent with access to be considered at this stage for the construction of a dwelling on land known as Hybrid Farm, 246 The Drove, Barroway Drove. The existing site comprises agricultural land with a Nissan hut style storage building to the rear, a derelict brick barn is in blue land to the north of the site.

This application involves a 0.15Ha parcel of agricultural land on the south-east side of The Drove, approx. 2km from the junction with Lady Drove. It has a road frontage of some 48m and depth of 52m. Outline permission is sought for residential development with access details provided and with appearance, landscaping, layout and scale reserved.

Barroway Drove is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and development on the site is therefore restricted to that which is identified as suitable in countryside locations in accordance with Policy DM3 of the Site Allocations and Development Management Policies Plan (2016).

The application is for the construction of a dwelling incorporating an office and small animal room only. Whilst additional pet care facilities and a cattery are referenced in the planning statement and shown indicatively in blue land on the plans, these are outside of the application site and no detail of these elements has been provided. The cattery and additional facilities would require planning permission in their own right and play no role in the current application and does not provide justification for a dwelling in this location.

## **SUPPORTING CASE**

The previous application for a dwelling on this site was refused under delegated powers in 2019, with 2 reasons given:

The proposal did not meet with countryside protection policies.  
The proposal failed the Exceptions Test.

After discussions with Ward Councillors, and liaison with the Parish council, who continue to support, a decision was taken to resubmit, addressing these 2 points in particular.

With regards to countryside protection, extensive evidence has been supplied within the application, which not only identifies the fact that no demonstrable conflict would take place with policy, and is no more detrimental than other approvals in the village, but also cites the recent approvals at Marshland St James, which was also identified as being in conflict with this policy. The difference being that this proposal is supported by the Parish Council, makes good use of redundant land, currently unkempt, dangerous, and with no agricultural value, due to the extensive existence of structures in the relatively small area, and the village does not have a development boundary. The proposal site is also very well screened.

With regards to the Exceptions Test, attention has been drawn to the fact that development on either side of the land known as Hybrid Farm has been deemed to have passed this test. Not only that, but Barroway Drove as a whole sits within the same flood risk, and all of the recent approvals have therefore been deemed to have passed this test. These approvals have offered nothing unique or individual as to their 'wider sustainability benefits' to outweigh the flood risk - required to pass the Exceptions Test.

Therefore, it must surely follow that it has been decided that the construction of a dwelling constitutes 'wider sustainability benefits'. I would ask that Members of the Planning Committee

Planning Committee  
29 June 2020

acquaint themselves with the planning addendum submitted as part of the application, which deals specifically with the reasons for previous refusal.

This proposal will not only make sustainable use of a parcel of land fit for no other viable purpose, but will provide a new home, with associated social and economic benefits - the latter at a time of significant economic uncertainty

## **PLANNING HISTORY**

19/00409/O: Application Refused: 22/05/19 - 1Outline Application: Construction of dwellinghouse, incorporating small pet care facilities. - Land At Hybrid Farm - Delegated Decision

17/00270/F: Application Refused: 10/04/17 - Standing of mobile home during barn conversion - Hybrid Farm - Delegated Decision

11/01541/F: Application Refused: 07/03/12 - Conversion of derelict agricultural buildings to two bedroomed bungalow - Hybrid Farm -Delegated Decision

07/00298/CU: Non-determined Invalid now returned: 10/10/07 - Conversion of barn to one dwelling - Hybrid Farm - Delegated Decision

06/00994/CU: Application Refused: 11/09/06 - Change of use of barn to form dwelling - Hybrid Farm - Delegated Decision

05/00552/O: Application Refused: 20/05/05 - Outline application: construction of dwellings - Hybrid Farm - Delegated Decision

## **RESPONSE TO CONSULTATION**

**Parish Council: SUPPORT**, with the following comments -

The proposal will be beneficial to the village by tidying the site up, making it more visually appealing for the area in general

**Highways Authority: NO OBJECTION**, stating the following comments -

Having visited the site, I believe that ultimately accesses for the proposal would be safe once lower tree branches and vegetation have been cleared from trees to the side of the access. Given the area of land available parking with turning for vehicles could ultimately accord with the parking standards for Norfolk.

Recommended Parking/Turning/Access and Visibility splay conditions

**CSNN: NO OBJECTION**, subject to conditions relating to the following:

- \*Foul and surface water drainage
- \*Lighting scheme
- \*Hours of delivery/collection conditions
- \*Storage and disposal of waste
- \*Use in connection with the dwelling

**Environment Agency: NO OBJECTION** subject to FRA condition.

**Environmental Quality: NO OBJECTION** subject to Asbestos informative.

Planning Committee  
29 June 2020

## **REPRESENTATIONS**

None received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues are:

Site History

Principle of Development

Flood Risk

Form and Character

Highways and Access

Any other matters requiring consideration prior to the determination of the application

### **Site History**

The application is for the construction of a dwelling incorporating an office and small animal room only. The application follows the previously refused application 19/00409/O determined in May 2019. The reasons for refusal were:

1. The site lies in Barroway Drove, which is classified as a Smaller Village and Hamlet where development is restricted unless it is required in relation to a rural enterprise or represents infill development. The applicant has not provided any special justification

Planning Committee  
29 June 2020

why countryside protection policies should be relaxed, and the proposal does not meet the criteria to qualify as infill development. The proposed development is therefore contrary to paragraph 79 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM3 of the Site Allocations and Development Management Policies Plan 2016.

2. The site is located in Flood Zone 3 and the Flood Hazard Zone as identified by the Environment Agency Flood Risk Maps. The proposal fails the exceptions test as it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and is therefore contrary to Paragraph 160 of the NPPF and Policies CS01 and CS08 of the Core Strategy 2011.

With regard to the barns on the wider site (red and blue land), there is extensive history as shown above dating back to 2005. It should be noted that these barns have previously been the subject of an application to convert to dwellings, however structural reports submitted alongside the previous applications stated the barns were too deteriorated to be capable of conversion. Similarly, applications for the construction of new dwellings on this site and in blue land have also been refused permission on the basis that they are contrary to countryside protection policies.

### **Principle of Development**

Barroway Drove is categorised as a Smaller Village and Hamlet within Policy CS02 of the Core Strategy (2011), and the entire settlement is therefore classed as being within the countryside, where development is restricted to that which has been identified as sustainable in rural areas as outline in Policy DM3 of the Local Plan, which states:

'New development in the designated Smaller Villages and Hamlets will be limited to that identified as suitable in rural areas, including:

- Small scale employment uses (under Policy CS10)
- Community facilities (under Policy CS13)
- Smaller scale tourism facilities (under Policy CS10)
- Conversions of existing buildings (under Policy CS06)
- Rural exceptions affordable housing; and
- Development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06);

Plus, housing as set out following:

The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted in Smaller Villages and Hamlets where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the street scene'

Barroway Drove comprises a cluster of buildings around the junction with Lady Drove, with sporadic linear development extending out from this area. As the settlement continues south towards the application site, the form and character transforms to become increasingly rural in nature. With the subject site located approximately 2,000m south west of the aforementioned junction with Lady Drove, the area surrounding the proposal site is rural in character, with the long views across the agricultural fields either side of the site being an intrinsic part of the form and character of the area. With no dwellings on either side of the application site, the subject site does not form a small gap within an otherwise continuously built-up frontage. Residential development on the site would therefore be considered

contrary to Paragraph 78 of the NPPF and Policy DM3 of the Site Allocations and Development Management Policies Plan (2016).

The applicant provided a planning statement referring to the benefits of the re-use of currently vacant land and the idea that this should override the policy implications discussed above. Whilst the site itself is not currently actively farmed or used for the purposes of agriculture, it should be noted that as the site's lawful use remains as agricultural land, the site does not meet the definition of brownfield or previously developed land in terms of the provisions of the NPPF. Whilst the re-use of the site may reduce the safety risks involved in a derelict site; there is no premium on neglect and with no additional justification provided the proposed use for residential purposes is contrary to the policies of the local plan. No information has been provided as part of this application that illustrates that an alternative use of the overall site is not viable.

#### Dwelling in association with proposed business use

An area is identified as office/small animals on the indicative plans and this area is indicated for use in connection with the boarding cattery which is proposed to be applied for under a separate planning application in the future (on blue land). In line with DM6, applications for new permanent dwellings in connection with businesses must be accompanied by evidence demonstrating the following:

- a. There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and night
- b. The need could not be met by existing dwellings within the locality
- c. The application meets the requirements of a financial test demonstrating that:
- d. The enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them, and:
  - i. Are currently financially sound, and have a clear prospect of remaining so and
  - ii. The rural based enterprise can sustain the size of the proposed dwelling
  - iii. Acceptable in all other respects'

No evidence was provided as part of this application that the small animal care facility and office shown on the plans meet the criteria outlined above. The business is not existing on site, and whilst the establishment of a cattery/small animal boarding business may be suitable in a rural area, without any justification - for example a business plan, the application is contrary to DM6 of the SADMPP (2016). Regardless of this lack of information, once a clearly established functional need is evidenced, a temporary dwelling would initially be required in order to accord with this policy and this is not the case in this instance.

Overall, the application is for an unrestricted dwelling in the countryside and no justification has been provided to outweigh its positioning in a location that is contrary to the provisions of the Local Plan. No evidence has been submitted to overcome the previous in principle reason for refusal under 19/00409/O as outlined above. The development is therefore considered contrary to policies CS02, CS06 and CS08 of the Core Strategy (2011) and Policy DM2, DM3 and DM3 of the Site Allocations and Development Management Policies Plan (2019).

#### **Flood Risk**

Paragraphs 155-160 of the NPPF (2019) relate to development in areas of flood risk and the requirement for proposals to pass both the sequential and exceptions tests. The key phrase in paragraph 155 refers to only development that is necessary in such areas being supported. Given that the borough council can currently demonstrate a five-year supply of housing, the proposal, for a single dwelling in a location which is contrary to the spatial

strategy outlined in CS02 and DM3 of the Local Plan, is not considered necessary in any respect.

The application site is located in flood zones 2 & 3 as indicated within the Borough Council's SFRA (2018) and given that the entire settlement is located within the same flood zones, there are no 'reasonably available' sites within the settlement at a lower risk of flooding, the sequential test would therefore be passed, and the application therefore needs to demonstrate it passes the exceptions test in accordance with paragraph 159. For a development to pass the exceptions test, it must provide demonstrable sustainability benefits to the community that outweigh the flood risk implications and also be shown to be safe for its lifetime.

Whilst the flood risk assessment indicates levels can be raised on the site to ensure the dwelling is safe for its lifetime and the Environment Agency has stated no objections on this basis, the provision of one dwelling in this location in a position which is contrary to the Local Plan is not considered to provide adequate sustainability benefits to the wider community to override the impact of flood risk. Therefore, the previous reason for refusal under 19/00409/O still stands. The development fails the exceptions test and is therefore considered contrary to policies 157 and 159 of the NPPF (2019) and CS08 of Core Strategy (2011).

### **Form and Character**

This part of Barroway Drove is characterised by sporadic housing, with gaps between houses providing important views of the agricultural fields beyond. The application site itself currently comprises a group of derelict agricultural buildings, with substantial vegetation forming part of the site boundaries.

The application is for the construction of a detached dwelling to the immediate south of the existing barn on site, which is indicated for repair/refurbishment on the approved plan but does not form part of this application. As the application is for outline consent with appearance, landscaping, layout and scale reserved, only indicative plans were supplied at this stage; however it is considered that a suitable design could come forward at reserved matters stage that could have limited impact on the form and character of the area. Existing established trees along the frontage and side boundaries would minimise the impact of the construction of a dwelling on the surrounding area.

Finished floor levels of a dwelling on the site would need to be raised by 1.4m for flood risk reasons. This will impact on the appearance of the dwelling from the wider street scene; however, it is anticipated that sufficient screening could be provided by the existing vegetation along the site boundaries to limit any adverse impact on the street scene. Careful design of the appearance of the dwelling would be required to ensure that the structure does not stand out as an incongruous feature within the wider landscape.

It is therefore considered that a design could come forward at reserved matters stage to accord with Policies CS06 and CS08 of the Core Strategy (2011) and DM15 of the SADMPP (2016).

### **Any other matters that require consideration prior to the determination of the application**

The Local Highway Authority responded with no objections to the proposal, with their comments stating that ultimately accesses for the proposal would be safe once lower tree branches and vegetation have been cleared from trees to the side of the access. Conditions

were recommended to ensure that the access is constructed to the required standard and that visibility splays are provided and maintained to both sides of the proposed access.

The Community Safety Neighbourhood Nuisance Team recommended additional information is provided as to the business proposal on site at reserved matters stage to ensure there is adequate control of the proposal. Several recommended conditions relate to the day to day operations of the wider cattery and potential for kennels. As these do not form part of the current proposal it would not be considered necessary to apply these conditions to any consent.

The Environmental Quality Team referred to the potential for buildings within the overall site to contain asbestos materials and recommended an informative to ensure assessment of the buildings and safe management during construction to ensure no adverse impacts on the wider environment.

Natural England stated no comment to the application based on the information provided. The application is not considered to meet the requirements for a survey in accordance with the Planning Practice Guidance. No significant impact on protected species or sites is considered likely as a result of the proposed development and the application is therefore considered to comply with Policy CS12 in relation to impact on ecology or biodiversity. Conditions could be recommended to ensure that the mature trees along site boundaries are retained to further limit this impact.

## **CONCLUSION**

The proposal constitutes the development of a parcel of agricultural land with road frontage development in a position far removed from the main built extent of Barroway Drove and on a site that is surrounded on both sides by open agricultural fields and therefore does not fall within the criteria for infill development as outlined in DM3. No further justification under Policies CS06 and DM6 has been provided to outweigh the conflict with the Local Plan.

As outlined above, residential development on the site is not considered necessary in terms of development in flood risk areas as outlined in Paragraph 155 of the NPPF (2019) and the application does not provide wider sustainability benefits to the community, therefore failing the exceptions test. The application is therefore considered contrary to Paragraphs 155-160 of the NPPF (2019) and Policies CS08 of the Core Strategy (2011).

Overall, the proposal is not considered to be suitable location for housing and is contrary to the provisions of the NPPF (paragraphs 78 & 155-160), Policies CS01, CS02, CS06 & CS08 of the Core Strategy (2011) and Policies DM1, DM2, DM3 and DM6 of the Site Allocations and Development Management Policies Plan (2016).

The application is therefore duly recommended for refusal

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The site lies in Barroway Drove which is classified as a Smaller Village and Hamlet and where development is restricted unless it is required in relation to a rural enterprise or represents infill development. The applicant has not provided adequate justification as to why countryside protection policies should be relaxed and, by reason of its location, between open agricultural fields, the proposal does not meet the criteria to qualify as

Planning Committee  
29 June 2020



infill development. The development is therefore considered contrary to paragraph 78 of the NPPF (2019), policy CS06 of the Core Strategy (2011) and Policy DM3 of the Site Allocations and Development Management Policies Plan (2016).

- 2 The site is located in Flood Zones 2 & 3 as identified in the Borough Council's SFRA (2018). The proposal fails the exceptions test as it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk and the construction of a dwelling in this location, contrary to the local plan, is therefore considered contrary to Paragraph 159 of the NPPF (2019) and Policies CS01 and CS08 of the Core Strategy (2011).