

Parish:	Walpole	
Proposal:	Retention of detached machine store (with storage above) and retention of external bar with an associated change of use to residential garden	
Location:	Cedar View Walnut Road Walpole St Peter Norfolk	
Applicant:	Mr Darren Boyle	
Case No:	20/01164/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 1 October 2020 Extension of Time Expiry Date: 10 November 2020

Reason for Referral to Planning Committee – the Parish Council object to the application which is at variance with the Officer recommendation and Sifting Panel require the application to be determined at Planning Committee.

Neighbourhood Plan: No

Case Summary

The application is for retrospective planning permission for the erection of a machine store (with storage above) to serve the land to the rear of the application site, which is also in the ownership of the applicant (blue land). This application is to regularise a building which had planning permission granted in 2019 but which was built in the wrong position. The application is also for the change of use of part of the application site to garden land, upon which is sited an external bar for use by the occupants of Cedar View, the dwelling to the front of the application site and also within blue land.

Key Issues

- Principle of Development
- Design and Impact on the character and appearance of the countryside
- Amenity Issues
- Flood Risk
- Highways Issues
- Other material considerations
- Crime and Disorder Act

Recommendation

APPROVE

THE APPLICATION

The application site is to the rear of Cedar View, a modern newly built detached dwelling and its associated garden. No boundary treatment has been erected at the rear of Cedar View's approved garden and a single storey building which houses a 'bar' has been erected that straddles the approved garden and the land at the rear, which is also in the ownership of the applicant.

This application seeks full planning permission to change the use of some of the land to the rear of the approved garden to additional garden land, upon which a bar (already erected) and foul drainage for the dwelling is sited. The application also includes the erection of a detached machine store (with storage above) to the rear of the neighbouring dwelling (Cranny Hill) on land outside the garden of Cedar View and which has an agricultural use. A similar machine store (with storage above) was granted permission in 2019 (19/00143/F) in a different location and this application seeks consent to retain what has been built.

SUPPORTING CASE

This statement supports the full planning application for the retention of detached machine store (with storage above) and retention of external bar with an associated change of use to residential garden at Cedar View, Walnut Road, Walpole St Peter.

Cedar View currently has planning approval for a machine store which was granted permission on 03 April 2019 under reference 19/00143/F. Upon commencement of the construction of the building the applicant has inadvertently located it in slightly the wrong location by approximately 1.0m.

The building proposed in this application is almost identical to that approved albeit some minor internal revisions.

Through the process of dealing with the machine store, it has been identified that one corner of the small building constructed for use as an external bar which is associated with the residential use of the existing dwelling has been built approximately 2.0m (at its extremity) outside of the residential curtilage. This application seeks to extend the curtilage to accommodate this building.

The site is concealed from the wider village and there cannot be any significant harm caused by this application.

PLANNING HISTORY

19/00143/F: Application Permitted: 03/04/19 - Erection of detached machine store (with store above) for use in connection with existing grass paddock - Land Rear of Cedar View Walnut Road Walpole St Peter

18/00946/RM: Application Permitted: 15/08/18 - Reserved Matters Application: Single 2 storey residential dwelling - Cedar View Walnut Road Walpole St Peter

17/01548/O: Application Permitted: 08/11/17 - Outline Application: Single two storey residential dwelling - Walnut Tree House Walnut Road Walpole St Peter

RESPONSE TO CONSULTATION

Parish Council: OBJECT

- The building work on the machine store is too close to the boundary fence.
- The drawings are very unclear of what they want to do.
- As we rejected the machine store before we reject it again.
- The previous application for the machine store has not been built in accordance with approved plans.
- Received information that the bar building has already been done and finished off on 22.8.20.

Highways Authority: NO OBJECTION

Internal Drainage Board: The application is within the Drainage District of the Board and Byelaws apply.

We note that the applicant has indicated that they intend to dispose of surface water via infiltration, however we cannot see that the viability of the proposed drainage strategy has been evidenced. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site with testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If surface water will be discharged to a drain then consent will be required under Byelaw 3 and charges will apply.

The applicant has not indicated how the foul water from the package treatment plant will be disposed of. If it is discharged to a watercourse then consent will be required (Byelaw 3).

Community Safety and Neighbourhood Nuisance: NO OBJECTION

The original approval for the store, 19/00143/F, had a clear separation of the domestic curtilage from the blue lined land to the rear - a 1.2m high post and rail fence indicated on the plan and within the D&A Statement.

Additionally, I cannot see any foul drainage details for the house (we were not consulted on 17/01548/O or 18/00946/RM) or any consideration for foul drainage on plans or other submitted information, so it is not clear whether the treatment plant is the original one for the dwelling (as queried in emails dated 30 September 2020). I would be grateful if confirmation could be obtained as to whether this is the original treatment plant for the dwelling (which would have been beyond the curtilage) or a new one purely for the store, and (as you have asked) where the associated drainage field for this plant is located (as this should be within the garden/curtilage or newly blue hatched land).

I recommend the reattachment of condition 3 of planning permission 19/00143/F.

In terms of the bar, the neighbour nearest the bar has submitted supporting comments, however I note the large area for outside seating and three large shuttered apertures to the building. It is not clear from the plans for the dwelling what the boundary treatment along this side should be, but site photos appear to show horizontal hit and miss fencing in situ. As the nature of the building and associated activities could generate noise which could impact on residential amenity, it is my recommendation that additional planks are added to the existing fence to block air gaps.

Please attach the EPA informative to any approval.

REPRESENTATIONS

ONE letter of comment:

- Concern regarding proximity of machine store to the fence and its height.

ONE letter of **SUPPORT**

- The buildings are in keeping with his property and allow him the outside amenities that he requires.
- I'm sure there will be minimal disruption to neighbours.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

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 to consider when determining this application are as follows:-

Principle of Development

Design and Impact on the character and appearance of the countryside

Amenity Issues

Flood Risk

Highways Issues

Other material considerations

Crime and Disorder Act

Principle of Development

The application site is outside the development boundary as identified by Inset Map G109 (Walpole St Peter / Walpole St Andrew / Walpole Marsh) of the Site Allocations and Development Policies Plan (SADMPP) 2016 and is defined as countryside.

The principle of the provision of a detached machine store (with storage above) has already been established with planning permission 19/00143/F. This was considered acceptable as it is to provide storage for equipment used to maintain the agricultural/paddock land adjacent to it. This was conditioned as such within application 19/00143/F and stated within Condition 3 that 'The building hereby approved shall only be used for the storage of machinery and tools associated with the paddock (blue land on Planning Drawing 1). The building shall remain within the ownership of the donor dwelling known as Cedar View, Walnut Road, Walpole St Peter, PE14 7PE as identified in blue on Planning Drawing 1. The building shall not be used for business or commercial purposes, and not be used as a separate unit of residential accommodation.'

This application seeks consent to retain the machine store which has been constructed in an unauthorised location, but which would still comply with the principles of the NPPF, Policy CS06 of the Core Strategy and Policy DM2 of the SADMP.

The change of use of agricultural land to garden land which is outside the development boundary as identified by the Local Plan is contrary to the principles of the NPPF, Policy CS06 of the Core Strategy and Policy DM2 where policy protects the countryside for its intrinsic character unless material considerations indicate otherwise.

The provision of a building for domestic purposes, in this case an external bar, outside the approved garden is also contrary to policy and would only be considered acceptable if the associated change of use to garden land were approved which will be discussed below.

Design and Impact on the character and appearance of the countryside

As stated, planning permission was granted in April 2019 for 'Erection of detached machine store (with store above) for use in connection with existing grass paddock' (ref 19/00143/F). The approved building was to be sited 2.3m from the northern boundary of Cranny Hill and was 6.47m to the ridge.

The supporting case does state that the building is only 1m from where it was previously approved but that is not the case. Whilst the footprint remains the same as that previously approved (12m x 6.97m), the position of the machine store is different and has been moved nearer to the boundary with Cranny Hill (now 0.75m). It has also been moved 9m further west along the northern boundary so that it is closer to the applicant's dwelling.

Notwithstanding the altered position, the design of the proposed machine store is similar to that previously approved but is now 1.1m lower in height than that approved under 19/00143/F and the window in the gable end has been removed. The proposal would not have a detrimental impact upon the surrounding countryside being located against the backdrop of residential development to the south and also it would not be out of character to have a machine store in a countryside location.

The Parish Council in their response to this application has stated that it objected to the original application for the machine store (19/00143/F), however that is not the case. The Parish Council comments stated that they supported the application with the comment 'That the Machine Store should not be used for business or domestic purposes as per the statement on page 1 (under paragraph titled 'Use') of the Design and Access Statement.' and the application was conditioned accordingly. The Parish also objects to the position of the store which is now closer to the boundary with Cranny Hill and the impact upon amenity is assessed below.

The change of use of the land and where the external bar building would be sited, would be contrary to policy, however it is considered that given the location adjacent to the existing garden land and residential development, there would be minimal visual impact upon the character and appearance of the surrounding countryside. A boundary treatment between the proposed garden land and the agricultural land to the north will be conditioned to be erected and maintained should the application be approved.

The proposed external bar is relatively modest and would not be out of character in a domestic garden, being brickwork, grey cladding and slate roof.

Overall, there would be limited harm to the character and appearance of the countryside and therefore the proposal complies with section 12 of the NPPF, Policy CS06 and CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Amenity Issues

The impact of the development on the neighbouring dwellings has been assessed.

The proposed machine store on the neighbour at Cranny Hill has been considered and it is noted that whilst this neighbour has not objected, they have expressed some concern regarding the distance of the building from the boundary and its proposed height.

The building has been approved previously with a greater height, albeit in a different location. The building is 12m in length and is located only 0.75m from the boundary with this dwelling, however the orientation of the proposal, to the north of the dwelling, would mean that there would be no material impact upon Cranny Hill with regard to loss of light. The proposal would have a reduced height of 5.35m with an eaves height of 2.7m and therefore, whilst the building is long, it is not considered to have an overbearing impact upon this neighbour. There are no windows in the first floor which would face this neighbour and therefore there would be no overlooking caused by the proposal. It is not considered that a machine store would cause any noise issues and a condition would be placed on any approval ensuring it was not used for business or commercial purposes.

The impact of the external bar on the neighbours has been considered. Due to the scale, location and orientation of the external bar there would be no material impact with regard to overlooking, overshadowing or being overbearing on either neighbour to the east or west. Comments have been received from CSNN regarding altering the fencing, which is currently hit and miss fencing, in order to reduce the possible impact relating to noise. This is considered onerous as an external bar could have been constructed nearer to the neighbour (within the approved curtilage) by utilising permitted development rights and without altering the fencing.

The machine store will utilise the same access as the dwelling, Cedar View, and therefore it would be possible that the machine store could cause amenity issues to the dwelling should the building be in separate ownership. Therefore, the use of the building by occupants of the dwelling will be conditioned as in planning permission 19/00143/F.

Overall, the proposal is not considered to cause any material impact upon neighbour amenity and would comply with section 12 of the NPPF and Policy DM15 of the SADMPP.

Flood Risk

The application site is within flood zone 2 and 3 of the SFRA 2018 and the flood mitigation measures comply with the standing advice from the Environment Agency. The machine store would be a 'less vulnerable' form of development as identified within Table 2 'Flood risk

vulnerability classification' of the planning practice guidance and therefore is appropriate within Flood Zone 3.

The foul drainage for the existing dwelling and its associated drainage field has been sited upon the land which is currently being considered for a change of use to garden land. It is proposed to utilise this existing treatment plant for the disposal of foul waste from the toilet within the machine store which would be acceptable.

Highways Issues

There are no objections from the Highways officer and no impact upon the highway is envisaged.

Other material considerations

One of the objections from the Parish Council is that the bar has been completed. This has been done without consent and is done at the applicant's own risk however it is possible for the applicant to apply for retrospective planning permission which is this planning application.

Crime and Disorder

No issues related to crime and disorder arise due to this application.

CONCLUSION

The proposed machine store is similar to that already approved under planning permission 19/00143/F, albeit with a reduction in height and in a different location within the site. It would not have a detrimental impact upon the countryside nor neighbour amenity.

Whilst the change of use of countryside to garden land is contrary to Policy CS06 of the Core Strategy and Policy DM2 of the SADMPP, the material circumstances around the case, i.e. the relatively small area of land (7.3m from the rear of the existing garden) with the provision of the external bar, is not considered to have a material visual impact upon the character and appearance of the surrounding countryside and therefore is acceptable.

Given the circumstances above the proposal is considered acceptable and complies with the principles of the NPPF, Policies CS06, CS08 and CS10 of the Core Strategy and Policy DM2 and DM15 of the SADMPP.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans SE-1459-100C received by the Local Planning Authority on 20th October 2020.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The machine store (with storage above) hereby approved shall only be used for the storage of machinery and tools associated with the paddock to the north of the site shown in blue on approved drawing SE-1459-100C). The building shall remain

within the ownership of the dwelling known as Cedar View, Walnut Road, Walpole St Peter, PE14 7PE. The building shall not be used for business or commercial purposes, and not be used as a separate unit of residential accommodation.

- 2 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 3 Condition: Within four weeks of the date of this decision the 1.2m post and rail fencing shown on drawing SE-1459-100RevC, which separates the area of garden land hereby approved and the agricultural / paddock land to the north, shall be erected and maintained in perpetuity. The laurel hedging shown on this boundary shall be planted in the next available planting season and any that die or become severely damaged or seriously diseased within 5 years from the date of this permission shall be replaced with plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval for any variation.
- 3 Reason: For the avoidance of doubt and to ensure that the land is used for purposes that are incompatible with the provisions of the NPPF.