

Parish:	Wereham	
Proposal:	Residential development involving the demolition of existing barn complex.	
Location:	Holme Oak Stoke Road Wereham King's Lynn PE33 9AT	
Applicant:	Mr G Gott	
Case No:	22/01893/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 7 March 2023 Extension of Time Expiry Date: 6 April 2023

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

Neighbourhood Plan: No

Case Summary

The application site is 0.24ha in size and lies to the southeast of the village of Wereham, to the south of Stoke Road/ A134. Wereham is categorised as a Rural Village in the adopted Local Plan. The site lies partially within the development boundary, but the footprints of the dwellings are outside of the boundary line as defined by Inset Map G114.

The application seeks full planning consent for the demolition of the existing barn constructed of brick and corrugated metal cladding/ roofing, and the construction of three new dwellings with associated parking and amenity space. The dwellings proposed are substantial two storey, three bedroom homes with large first floor balconies.

The site currently accommodates a bungalow, which sits to the front of the site, and a large barn to the rear which has been most recently used for the storage of agricultural machinery. The buildings are set back into the site with a concrete driveway to the front accessed directly from Stoke Road/ A134. The site is surrounded by agricultural land to the south, existing residential development to the east and west, and to the north Stoke Road/ A134 with agricultural land beyond to the north.

Key Issues

- Principle of Development
- Highways / Access
- Form and Character
- Impact on Neighbour Amenity
- Ecology
- Other Material Considerations

Recommendation:

REFUSE

THE APPLICATION

The application site is 0.24ha in size and lies to the southeast of the village of Wereham, to the south of Stoke Road/ A134. Wereham is categorised as a Rural Village in the adopted Local Plan. The site lies partially within the development boundary, but the footprints of the dwellings are outside of the boundary line as defined by Inset Map G114.

The site currently accommodates a bungalow (which sits in front of the barn proposed for conversion) and a large barn to the rear which has been most recently used for the storage of agricultural machinery. The buildings are set back into the site with a concrete driveway to the front accessed directly from Stoke Road/ A134. The site is surrounded by agricultural land to the south, existing residential development to the east and west, and to the north Stoke Road/ A134 with agricultural land beyond to the north.

The site is located in Flood Zone 1 as indicated on the Council's adopted Strategic Flood Risk Assessment.

The application seeks full planning consent for the demolition of the existing barn constructed of brick and corrugated metal cladding/ roofing, and construction of three new dwellings with associated parking and amenity space. The dwellings proposed are substantial two storey, three bedroom homes with large first floor balconies. Plots 1 and 2 are attached, and plot 3 a detached dwelling.

The site layout proposes the shared access as a through road to the south of the site with plots 1 and 2 to the east and plot 3 to the west of this access road. All three plots have areas of private amenity space and private parking areas including covered parking/ car port. The dwellings themselves are modern in appearance with vertical timber cladding and brickwork, with zinc roofing and aluminium framed joinery. The design includes a large amount of floor to ceiling glazing, particularly at first floor. The ridge heights of the dwellings proposed are approximately 8.5m, with eaves heights of 5m.

There are a number of existing trees on site which are to be retained, and these are shown on the proposed site plans. These are protected under a Tree Preservation Order as a group of trees, the Tree Preservation Order includes the full width and depth of the plot of land.

The boundary treatments proposed are 1.8/2m close board fencing along the side boundaries of the site to protect residential amenity. The rear (south) boundary of the site is proposed a 1.2m post and rail fencing to define the extent of the site.

SUPPORTING CASE

The application site benefits from prior approval for the erection of four dwellings. Case law has established that new dwellings allowed via the prior approval procedure constitute a fallback position. The principle of having four dwellings in this location is therefore already established. The current application proposes three new dwellings in this location and therefore one less than is currently authorised on site. The application presents a significant benefit as it will reduce the vehicular movements to and from the site by 25% and will reduce the associated residential paraphernalia by 25% from the prior approval. Whilst the visual impact in terms of the scale of the units may have changed from the prior approval, any perceived harm to this effect is considered to be outweighed by the improvements in highway safety terms, by reducing the traffic associated with the site, and by reducing the amount of paraphernalia which would spread out into the countryside.

It would remain that the appearance of the proposal would be that of agricultural building conversions, arranged in a courtyard style layout. The proposal would appear agricultural in character, thereby respecting its setting. It is submitted that the proposal would have no harmful impact on the character and appearance of the area and would present a benefit given that it would reduce the number of dwellings on site from the extant prior approval on site, thereby reducing the impact of development on this countryside location.

PLANNING HISTORY

22/00046/PREAPP: INFORMAL - Likely to refuse: 19/07/22 - PRE-APPLICATION (CONSULTATIONS AND A MEETING): Erection of 7 Dwellings involving demolition of existing bungalow and barn complex - Holme Oak

21/00139/TPO: TPO Work Approved

21/01872/PACU3: Prior Approval – Approved (Delegated): 15/11/21 - Notification for Prior Approval: Change of Use of Agricultural Building to four Dwellinghouses (Schedule 2, Part 3, Class Q) - Agricultural Barn To The Rear of Holme Oak

21/01574/F: Application Permitted (Delegated): 16/09/21 - Site access to be widened from site boundary and to utilise the existing drop kerb to allow for improved access - Holme Oak

19/00114/TPO: TPO Work Approved

18/00001/TPO: TPO Work Approved

17/00037/TPO: TPO Work Approved

RESPONSE TO CONSULTATION

Parish Council: NO COMMENT

Having taken advice from Norfolk Association of Local Councils, Wereham Parish Council are not able to consider the planning application as a statutory consultee. Wereham Parish Council is a small Council with only six Councillors and three of these would need to declare an interest in regard to this application and would not be able to vote on any decision in regard to a response. This leaves the Council inquorate.

I am sure you are aware of the previous concerns in any case what the Council has had in the past in regard to this site and any application on it. The Parish Council has contacted Cllr Colin Sampson on their behalf to reiterate that as residents they feel this application is outside the development boundary as a planning consideration (objectional point) and would detrimentally set a prescient for Wereham itself, already split by a dangerous road that has seen many accidents in the last week, by allowing all land along and over the development boundary to be built next to the A134, which the development boundary is in place to prevent.

Highways Authority: NO OBJECTION subject to conditions

We are mindful of a previous approval for this site for 4 dwellings in connection with planning application 21/01872/PACU3. Given that this application would generate a similar level of traffic I believe that it would be difficult to substantiate an objection on the basis that additional previous approved access arrangements are also provided, and therefore

recommend conditions are attached regarding the access, on-site parking and turning and visibility splays.

Internal Drainage Board: NO OBJECTION

No objection subject to the Boards standard bylaws.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions

The applicant has provided a screening assessment stating no known contamination other than the potential for asbestos containing materials to be present. We have reviewed our files and the site is on land that is seen developed for the duration of our records. The surrounding landscape is largely residential and agricultural. The information submitted does not indicate the presence of significant land contamination. However, the former agricultural use means that it's possible that some unexpected contamination could be present and therefore a condition should be included.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind we recommend an informative.

Historic Environment Service (NCC): NO OBJECTION subject to conditions

The proposed development is located in an area where in 1959 a late Roman coin, pottery and loomweights were recovered. More Roman coins and other Roman items have been recovered in the immediate vicinity, suggesting the presence of buried remains of Roman settlement. In addition, cropmarks of ploughed-out Bronze Age burial mounds have been recorded a short distance to the north, suggesting this is the location of a Bronze Age cemetery. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. Accordingly we suggest that conditions are imposed.

CSNN: NO OBJECTION subject to conditions

Some areas of Wereham may have access to foul mains sewers and if there is a mains sewer nearby would expect a connection to be made to this. If there is no mains sewer available then we would require full details of the proposals. If soakaways are proposed for surface water we would need to see the results of percolation tests as well as details of the proposed layout. Therefore please could a foul and surface water condition be attached.

As an additional note, would like to make the applicant aware that it would be preferable for each plot to have their own drainage provision (e.g. soakaways, septic tanks, package treatment plants, inspection chambers etc.) rather than a joint scheme, as this will avoid issues in the future. If shared provision is unavoidable, we would strongly recommend that a formal legal agreement is drawn up regarding access to land for the purposes of maintenance and repairs to the drainage system, along with clarification over financial responsibility, and an ongoing maintenance schedule.

Natural England: **NO OBJECTION** subject to mitigation

Habitats Regulations Assessment - Recreational Impacts on European Sites

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that certain types of new development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects. We advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. If this does not occur then the tariff in the adopted GIRAMS will need to be increased to ensure the GIRAMS is adequately funded.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, will need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the ruling 2018 People Over Wind Ruling by the Court of Justice of the European Union. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make or the decision recorded as per an agreed approach.

REPRESENTATIONS: FIVE letters of **OBJECTION** received, and summarised below –

- The proposed development of three detached properties is tantamount to the land outside the village development boundary. This could set a precedent.
- The approval under a Class Q was based on the building being structurally sound and capable of conversion without the need for extension, alteration or reconstruction and therefore demolition and replacement should not take place outside the development boundaries. The current building is a solid building capable of functioning as dwellings being enclosed on all sides. It could maintain the very simple agricultural style through conversion as seen by other local barn conversions. This would not be achieved with the new detached properties.
- The submitted design looks like phase one of a bigger plan. Previously a large housing estate was submitted & rejected by residents. Access onto The Row, a single track road, was wholly unsuitable. The road layout submitted looks like that option is still being explored and planning need to be vigilant with any further applications relating to this site.
- Should permission be granted conditions should ensure the development retains the rural character and appearance of the site that traditional fencing and hedgerow be planted, particularly on the south side which would be in keeping with the existing formation of properties and their land along Stoke Road. This would give a more defined boundary for the properties outside the current development boundary.
- Trees on site (and adjacent) should be protected.
- Class Q was used as a stepping stone to achieve development and there is a noticeable difference between the two proposals which impacts the surrounding properties and area.
- This is not a typical farmstead layout/ design as suggested.

- The two storey dwellings have an increased number of windows with larger areas of glazing and balconies which will mean that neighbouring properties will be overlooked with a loss of privacy with more noise and light.
- I disagree that vehicle movements will be less than the Class Q application. The properties are now family homes which will mean more occupants.
- Increasingly seen more accidents on A134 and therefore have concerns of additional traffic movement from entering and exiting family homes. Access unsafe.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

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)
 National Design Guide 2021

PLANNING CONSIDERATIONS

The main planning considerations are:

- Principle of Development
- Highways / Access
- Form and Character
- Impact on Neighbour Amenity
- Ecology
- Other Material Considerations

Principle of Development:

The application site lies partially within the development boundary for Wereham, but the majority of the site lies outside the development boundary on land designated as countryside in the Site Allocations and Development Management Policies Plan (SADMPP) (2016). As

shown on Inset Map G114. Certainly the footprint of the dwellings proposed are outside of the development boundary and therefore in the countryside.

At the local level, development outside of the development boundaries will be subject to Policy CS06 (of the Core Strategy) which aims to resist such development unless essential in relation to a rural enterprise. The Council's Policy DM2 of the Site Allocations and Development Management Policies Plan states that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including:

- farm diversification (under Core Strategy Policy CS06);
- small scale employment (under Core Strategy Policy CS10);
- tourism facilities (under Core Strategy Policy CS10);
- community facilities, development in support (under Core Strategy Policy CS13);
- renewable energy generation (under Policy DM20 of the rural economy or to this Plan);
- rural workers' housing (under Policy DM6 of this Plan); and
- affordable housing (under Core Strategy Policy CS09)

The scheme submitted does not fall within any of these criteria.

In policy terms the Local Plan provides a clear steer that development such as that proposed, in the countryside, is contrary to the development plan.

However, there is an extant planning consent on the application site for prior approval for the change of use of an agricultural building to four dwellinghouses (ref: 21/01872/PACU3). The conversion of the barn subdivided the existing agricultural building into four two bedroom single storey residential units of equal size. Minimal external changes were proposed to the barn including the insertion of doors and windows to facilitate the conversion. The applicant argues that this fallback position is a key material consideration in the determination of this application.

The development proposed in the current application is of a larger scale in terms of the extended footprint of the development and the scale of the dwellings as well as the driveways, gardens etc. This development is larger than that agreed previously and as such is not considered a 'like for like' with the prior approval scheme. As a result the fall back position should not be relied upon and the principle of development of this scale is considered contrary to the NPPF, and policies CS06 (from the CS) and DM2 (of the SADMPP).

Highways/ Access:

The Local Highway Authority was consulted on application 21/01872/PACU3, and at that time due to the existing agricultural use on site the Local Highway Authority were of the view that they could not substantiate an objection to the development of four small scale (2 bedroom) residential units from the shared single access (subject to conditions).

This application seeks consent for three large three bedroom homes, again accessed via the shared single access point. The Parish Council and local residents raise concerns about the safety of this access junction onto Stoke Road/ A134 and the potential impacts of increased traffic giving rise to highway safety issues as a result.

However, the Local Highway Authority are of the view the proposed scheme would give rise to a similar level of traffic to the prior approval, and as such are unable to substantiate an objection. The applicant suggests that the proposed scheme would actually bring about

improvements to highway safety by reducing the number of dwellings on site from four to three. However, the homes proposed are larger and the Local Highway Authority are of the view that the three larger homes would generate similar traffic levels to the four two-bedroom units. As a result, there would not be an 'improvement to highway safety'. Should consent be granted the Local Highway Authority request conditions are attached relating to the access, visibility splays and on-site parking and turning area. The application is in accordance with the NPPF, Policies CS11 (from the CS) and DM15 and DM17 (of the SADMPP).

Form and Character:

The existing application site consists of a large detached bungalow in a wide plot with gardens and well established trees. The dwelling is set back 17.5m from the A134 and then 26m to the rear of the bungalow is a large agricultural barn approximately 5.5m in height to the ridge. The barn is visible in the street scene beyond the dwelling. To the north and south of the site is agricultural land and detached residential development to the east and west of the application site.

The character of the locality is varied but primarily ribbon development facing onto the highway as you move out of the village along Stoke Road/ A134 to the southeast. The use is primarily residential although interspersed with breaks of agricultural land and agricultural buildings reinforcing the rural nature of the locality.

The application seeks to demolish the barn and to redevelop the site for three dwellings. The dwellings proposed are modern in appearance, two storey with domestic proportions. The north elevations of the dwellings (facing onto the street scene) are constructed of timber vertical cladding and are clearly domestic in appearance. They are an additional 3m in height to the ridgeline compared to the existing barn. Alongside the design of the dwellings the boundary treatments proposed, driveways, carport and gardens are again clearly domestic in appearance. Under the extant prior approval the application was for the conversion of the barn only and did not include driveways, car ports, boundary treatments, and private amenity space. Cumulatively the development proposed is significantly different to the previous scheme and would have a much greater visual impact. The applicant argues that the dwellings have the appearance of a conversion scheme and are agricultural in appearance. This view is not shared by the Officer. The development would represent backland residential development, which is contrary to the form and character of the locality and detached from the current rural appearance, on land designated as countryside in the Local Plan. In terms of form and character the development proposed is contrary to the NPPF and policies CS06, CS08 and DM15.

Impact on Neighbour Amenity:

Plots 1 and 2 are located approximately 10m from the boundary to the east, and plot 3 is approximately 11m from the site boundary to the west. While all plots propose first floor bedroom windows, the relationship between these and the neighbouring gardens are considered acceptable. The distance to the shared boundaries is a minimum of 10m and also the neighbouring dwellings to the east and west are some distance further forward in their plots, which means that the windows overlook the end of the private gardens. The positioning of the proposed dwellings and those existing would not give rise to neighbour amenity concerns regarding overlooking or being overbearing.

Within the site itself plot 2 is directly opposite plot 3, with a separation distance of approximately 10m window to window. This is considered a close relationship given both dwellings propose a very similar arrangement of first floor bedroom windows on their front elevations and is likely to give rise to direct overlooking from room to room. Plots 1 and 3 also include a first floor balcony on the south elevations, however these are designed to be

set within the footprint of the building and so would not give rise to overlooking to the side between the two dwellings as only face to the south overlooking agricultural land.

The proposed site layout shows minimal private amenity space to be provided for the large three bedroom dwellings, and the amenity space available is largely shaded by the existing trees which are to be retained. This is not considered sufficient and yet it is important that agricultural land to the rear would be protected and therefore the Council would not support any extension of the gardens further south into the countryside.

In terms of neighbour amenity the relationship of the proposed dwellings, to those existing to the east and west is considered acceptable. However, the relationship between plots 2 and 3 is not considered appropriate and in addition the scheme fails to provide sufficient amenity space for the scale of dwellings proposed. Therefore, the application fails to accord with the NPPF, policy CS08 and policy DM15.

Ecology:

The application site lies within the Zone of Influence for European designated sites. The Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS) has been put in place to ensure that additional recreational pressures, created by new development/ growth in the borough, does not lead to an adverse effect on European designated sites in Europe. The strategy allows contributions towards mitigation to be collected at a site specific level which will then fund effective strategic mitigation measures to address this pressure and the impacts.

The application site is approximately 6.5km from the Breckland Special Areas of Conservation (SAC) and Special Protection Areas (SPA). In response to the application, Natural England requested the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy fee of £557.79 were to be paid by the applicant, alongside the authority carrying out an Appropriate Assessment. The results of the Appropriate Assessment were that subject to the mitigation measures being secured, the assessment was able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy. Therefore, on payment of the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy fee (which has been paid in full) the application is in accordance with the NPPF, and policy CS12.

Other Material Considerations:

Trees – Within the application site are a number of well established trees running north to south throughout the plot. These are protected under a group Tree Preservation Order, the Tree Preservation Order includes the full width and depth of the plot of land. The development proposed shows the trees are to be retained. The applicant has not submitted an Arboricultural Impact Assessment or any plans detailing tree protection measures. If consent were granted this information should be submitted and agreed by the Local Planning Authority prior to the commencement of any works on site.

Archaeology – There is potential that heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Therefore, if permission was granted, the site should be subject to a programme of archaeological mitigatory work and conditions should be attached accordingly.

Contaminated land – The information submitted to date does not indicate the presence of significant land contamination, however given the agricultural use, a condition should be attached to any planning consent given unexpected contamination could be present.

Drainage – Drainage details have not be submitted as part of the planning application, and therefore it is necessary a condition is attached to the consent to secure and approve this information, should the application be permitted.

Objections – One of the objections to the scheme raises concerns that the scheme appears to be phase 1 of a larger plan for residential development, which would not be supported. However, at this stage the application must be determined on its own merits and cannot consider potential future applications for development.

CONCLUSION

The footprint of the development proposed lies outside of the development boundary for Wereham, and as such the development of three new dwellings is contrary to the adopted Local Plan policies CS06 and DM2. However, the applicant does have prior approval for the conversion of the existing agricultural barn to four single storey two bedroom residential units. The applicant argues that this fall back position should carry significant weight as a material consideration in the determination of this application.

The development proposed is for three dwellings, but these are two storey in height, have a larger footprint and are entirely domestic in appearance. The scheme also includes, domestic parking/ driveways, private gardens, boundary treatments etc which emphasises the domesticity. The scheme as proposed would have a detrimental impact on the form and character of the rural locality.

While the development proposed is unlikely to give rise to neighbour amenity issues for the existing neighbouring residents, the design of the plots would give rise to amenity issues between the proposed plots. This would be due to the close distance between facing first floor windows. The dwellings proposed are also three bedroom family homes and have minimal private gardens for the size of the dwellings.

The full extent of the application site (and beyond) is subject to a Tree Preservation Order and it is necessary that any development proposed will protect and enhance the existing trees. In addition the applicant is required to make a financial contribution to mitigate against the cumulative impact of recreational pressures on protected sites, and the applicant has provided this payment. Other issues such as archaeology, contamination and drainage are addressed within the report above.

In conclusion, it is recommended that Members refuse the application, which is considered to be contrary to the NPPF, Core Strategy policies CS1, CS2 and CS6, and Site Allocations and Development Management Policies Plan policies DM2 and DM15.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 This part of Stoke Road/ A134 is characterised by ribbon development, with undeveloped gaps and agricultural buildings interspersed between the dwellings being a key characteristic of this part of Wereham. The proposal would result in an in depth development of residential appearance, with a pattern of development that would be at

odds with the rural character and appearance of the immediate locality. The proposal would have a detrimental visual impact upon the rural character and appearance of the countryside in this location contrary to paragraph 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

- 2 The Local Planning Authority can demonstrate a five-year supply of deliverable housing land and as such development plan policies regarding housing supply are considered up-to-date and carry full weight in the determination of planning applications. The site is greenfield and lies outside of the development boundary for Wereham on land designated as countryside and is therefore not in an area residential development is sought. Little weight is also afforded to a fall back position as a result of a prior approval consent, the proposed development is of a larger scale than that already able to come forward in the conversion scheme. Therefore the scheme is not considered to represent sustainable development as defined in the NPPF and is contrary to the NPPF, Core Strategy (2011) policies CS01, CS02 and CS06 and Site Allocations and Development Management Policies Plan policy DM2.
- 3 The positioning and design of the dwellings proposed would create overlooking between the first floor front elevation windows of plots 2 and 3, with only approximately 10m distance from window to window. In addition, the dwellings proposed are large three bedroom family homes with only small areas of private amenity space provided, which is considered insufficient for residential amenity in this locality. The development is therefore not considered to be well designed and high quality development as required by para 134 of the NPPF and would result in unacceptable disamenity to occupiers of the proposed dwellings contrary to para 130 of the NPPF and Development Plan Policy DM15.