

AGENDA ITEM NO: 9/2(e)

Parish:	North Runcton	
Proposal:	Erection of single storey extension to domestic store/ home office and use of building for office use Use Class E(g)(i). Retrospective	
Location:	4 Manor Farm Cottages Common Lane North Runcton King's Lynn PE33 0RF	
Applicant:	Comaserve CMS Ltd	
Case No:	23/00591/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 25 May 2023 Extension of Time Expiry Date: 11 August 2023

Reason for Referral to Planning Committee – The Parish Council support the application which is contrary to the officer recommendation. The Sifting Panel consider that the application should be determined at Planning Committee.

Neighbourhood Plan: Yes

Case Summary

The application site is located within the Parish of North Runcton and therefore within the countryside as identified within the Site Allocations and Development Management Policies Plan 2016.

The site is located along Common Lane, and sits in isolation to the south of a row of four period terraced cottages which are set back on the common and accessed directly across the common to the south of the cottages. The cottages are located approximately 130m south of the junction between Common Lane and Chequers Lane and the landscape in this location is open in nature.

On site is an existing building, part of which is lawful through the passage of time. This application seeks retrospective planning permission to extend the building and for the change of use of the building for an office use with Use Class E(g)(i) which is defined within the Regulations as 'an office to carry out any operational or administrative functions.'

Key Issues

Principle of development
Impact on the Non-Designated Heritage Asset
Impact on neighbour amenity
Highway safety
Any other matters requiring consideration prior to determination of the application
Crime and Disorder Act

Recommendation

REFUSE

THE APPLICATION

The application site is located directly south of Manor Farm Cottages which are a row of period cottages, set back from the road and on the edge of North Runcton Common which runs between the cottages and Manor Farm. The existing terrace of cottages are considered a non-designated heritage asset and sit alone within this rural setting and the vehicular access, which is shared, runs across the common and enters directly south of the cottages and on the northern side of the application site.

The parking arrangements for the cottages are on this southern side of the wider site and to their rear (south and east). There is also evidence of some outbuildings outside the cottage gardens (which are immediately to the rear of each cottage).

On site currently stands a large outbuilding, part of which is lawful due to the passage of time. The site is bounded to the rear of this building (south) by a hedgerow, and to the front of the wider site is a low crenelated wall constructed of light buff bricks to match the existing row of cottages.

This application is for retrospective planning permission for extensions to the original domestic store/home office and the retrospective change of use of the whole building and the parking to the front (north) to an office use Class E(g)(i). Class E(g)(i) is defined within the Regulations as 'an office to carry out any operational or administrative functions.'

SUPPORTING CASE

The original part of the cabin (right hand side at the site frontage with the common) including the covered veranda, has been on site for more than 13 years used as a home gym and is therefore lawful under S171 of the Act and does not form part of this application. It is noted that it is this element that has the most impact on wider amenity and heritage with the proposal, with the left-hand side extension being tucked behind the main residential block and having lesser impact as cannot be directly viewed from Common Lane.

The application is being made for the left-hand extension of the existing lodge only (29 m² in area - including the space for a domestic store (shed) for No. 4 which comprises a third of the extension overall area) and the change of use to office only, light consulting administration activities carried out only.

The original cabin has been used as an office with 2 main users since 2017, without complaint and the cabin was extended in 2018.

The proposal is small scale and well designed to fit within the site context - it is noted that there are other outbuildings along the same southern boundary of the shared access without the commensurate aesthetics to fit in with the local area with matching materials (garden/storage sheds).

The proposal is very modest in scale employing only 2 people who work remotely away from the building for a large proportion of their work time. The building is rarely visited by third parties and when this happens there is adequate on-site parking which is also very

convenient as is used as a stopping point by regular daily postal and courier deliveries for all residents in the adjacent housing block.

Consultation responses: There are no technical comments/ objections that can't be dealt with by condition.

Neighbours: We have provided evidence to counter the claims made by neighbours in relation to the intensity of the use and its impacts.

Conservation: – It is not clear if the consultation comments from the KLWN conservation officer understood that the original cabin is lawful and not part of the application as the response refers to the veranda.

It is noted that the Parish Council and Highways department supports the application.

Process: Within the application process the applicant has suggested that the proposal can be subject to a 'personal' condition restricting business use by Comaserve only and preventing any changes of use and a further condition that it does not expand to employ further people in the future.

It is considered that the proposal is a low intensity office use that has grown from a home gym facility to a working-from-home office, to a now 2-person consulting business base, with both workers living locally and working there approximately 50% of their time.

Summary: It is contended that in visual and impact terms it does not cause material harm and provides business within the village which has support in the neighbourhood plan. It is therefore requested that permission be granted.

PLANNING HISTORY

05/00583/F: Application Permitted: 26/04/05 - Extensions and alterations to four dwellings - 1 - 4 Manor Farm Cottages Common Lane North Runcton

08/01447/F: Application Permitted: 06/08/08 - Extensions to existing cottages to form kitchen, living and bedroom areas - 1 & 4 Manor Farm Cottages 1 Common Lane North Runcton

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

- The Parish Council agree with the Design and Access Statement that there is unlikely to be a significant landscape impact from the enlarged cabin.
- We would like officers to confirm toilet and septic tank arrangements comply with current building regulations.
- Need to ensure the operation of the business does not significantly disturb the neighbours or adverse impact on the amenity of the four neighbours.

Highways Authority: NO OBJECTION

No objection to the principle of the application.

Environmental Health & Housing – CSNN: NO OBJECTION

There are concerns regarding the drainage provision. The submitted information differs between it being a septic tank and a cesspit. If the application is approved, we would require a foul water drainage condition to establish the exact drainage provision at the site and we would need to ensure that it was appropriate. Within the email chain there is a request for information about the location and size of the tank, but this does not appear to have been provided at the time of writing this response. Given the retrospective nature of this application, i.e. the drainage already exists, and that it was constructed in the last few years, it should be fairly easy to obtain this information and should be provided within eight weeks of the decision (condition). This time would allow the applicant to appoint a drainage consultant to conduct a survey if they are unable to provide the information required.

In order to protect the amenity of the nearby residential dwellings it would be necessary to limit the hours of use by condition.

The Use Class applied for it E(g)(i). Due to the proximity to other local residents it is considered that this is the only use category that would be appropriate for this proposal and therefore should the application be approved the use class should be conditioned.

The application includes a wood-burner and given the prevailing wind, smoke and odours may impact upon the rear gardens of the terraced dwellings.

Conservation Team: OBJECT

Manor Farm Cottages are a distinctive set of cottages built to the south of North Runcton. The Cambridge Gault bricks, and decorative barge boards are unlike anything else readily visible in the vicinity of the building. It is present on the 1884 historic OS map of the village and this shows it sat on the edge of North Runcton Common which ran between the cottages and Manor Farm. It is unclear whether the cottages were workers cottages for the farm or developed by the owners of North Runcton Hall but, in either case, the architectural style and age of the dwelling make these cottages a non-designated heritage asset.

The cottages are set within a flat, open landscape which makes them very visible across the whole area. As they are so architecturally distinct they are more noticeable within the landscape than a more traditionally vernacular building might be. The space provided for each cottage the side is a noticeable area and the outbuilding, which forms the subject of this application, is extremely visible across the common landscape. The buildings are therefore sat in an isolated, tranquil spot on the common and readily visible from public vantage points.

The outbuilding is larger than what would normally be expected in this residential location. The verandah and woodburning stove, as well as the scale and form give the outbuilding a residential appearance in a space which could only really accommodate incidental buildings without having a detrimental impact upon the setting of the cottages. Its position on the side of these attractive cottages, erodes the sense of space and isolation that is important to the significance. The use of the building as an office is a further cause for concern. The number of cars and traffic that could potentially visit this office would be incompatible with the residential use of the site as a whole which would be harmful to the tranquil qualities of the rural setting.

The use of the land in this location as an office use, and the scale, form, design and position of the building, causes less than significant harm, moderate in scale to the setting of the non-designated heritage asset. Therefore, the Conservation Team objects to the proposal.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is for a retrospective extension to a domestic store used as a home office. The applicant provided a site plan illustrating the changes made. The design and Access Statement provides information regarding the development and indicates the initial structure was built in 2010 and extended in 2018.

The BCKLWN files have been reviewed and the site is on land that has not been developed until the cabin was seen on site in recent aerial photography. The surrounding landscape is largely agricultural with some residential properties. No potential sources of contamination are identified in the Council's records, or the information provided by the applicant. No objection regarding contaminated land.

REPRESENTATIONS

TWO letters of OBJECTION which cover the following:-

- Any extension must not be detrimental to the local environment or local residents.
- Originally the applicant lived at no.4 and the building was a small summer house, but subsequent alterations have affected the location. Spoils the quiet community / location.
- The applicant does not live at the property but now rents out no.4 and uses the building as a place of work for him, his business partner, a cleaner and place for meetings.
- Access issues - The shared drive/access is for residential use and the current agreement is for residential use with upkeep shared by the cottage residents. The drive is now used by trucks, vans and other business vehicles, often 4x4, for meetings causing wear and tear and increased maintenance costs.
- The supporting documents state that there is one meeting a month, but Mr Wright and his employees are there every day, and there are regular meetings (before the application was submitted, almost daily).
- Waste disposal - The supporting documents refer to a cess pit and a septic tank. The applicant used an IBC water tank and while clarification of the foul drainage has been requested by the planning officer full details have not been given. The tank is not the correct size and is not vented with overflow waste entering a dyke via a pipe. It is rented regularly which causes smells and spillage and the tractor/trailer blocks the drive. A number of children play in the drive and during the summer it smells of sewage and sewage has been seen in the ditch on the common. It is currently a health hazard.
- Electrical supply - this appears to come from no.4 (owned by the applicant but rented out) and the safety of this is questioned. Would there be risk of fire to all four cottages?
- The building was built by the applicant and his father and have concerns regarding its compliance with building regulations.
- The applicant said the change of use and alterations were within planning guidelines and it wasn't until later it came to light this was not the case. Concerned on the impact of saleability of home in the future.
- What could it be used for in future? Has all the facilities of a dwelling or a holiday let.
- Noise and disturbance caused by a commercial business use in a residential, tranquil area.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy WA01 - Protecting Sites of Local Value

Policy WA07 - Design to Protect and Enhance Local Character

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

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

PLANNING CONSIDERATIONS

The main considerations are:

- *Principle of development
- *Impact on the Non-Designated Heritage Asset
- *Impact on neighbour amenity
- *Highway safety

- *Any other matters requiring consideration prior to determination of the application
- Crime and Disorder Act

Principle of Development:

The application site is located within the countryside as identified within the Site Allocations and Development Management Policies Plan (SADMPP) 2016 and as such development is limited to that which is suitable in rural areas. North Runcton is classified as a Smaller Village and Hamlet within the Settlement Hierarchy (Policy CS02) and as such does not have a development boundary, however the application site is also located approximately 130m to the south of its junction with Chequers Lane and the more 'built up' part of the village. The site lies immediately to the south of a group of four terraced cottages that are sited in relative isolation on the common and are accessed across the common itself.

Policy CS10 'The Economy' of the Core Strategy 2011 is supportive of the rural economy and diversification through a rural exception approach to new development in the countryside and sets out the criteria for granting planning permission on land which would not otherwise be appropriate for development for an employment generating use, but which meets a local business need. The policy states that development must be 'appropriate in size and scale to the local area'; 'adjacent to the settlement'; and 'the proposed development and use should not be detrimental to the local environment or local residents'.

The NPPF 2021 emphasises a presumption in favour of sustainable development where economic, social and environmental objectives are interdependent. Whilst para 85 does acknowledge that in rural areas sites may need to be found beyond existing settlement boundaries and in locations not well served by public transport it does state that in these circumstances 'it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or public transport). The use of previously developed land, and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.'

North Runcton is within an area covered by the North Runcton and West Winch Neighbourhood Plan (2017). There are some policies within this plan which will be addressed later in this report, however with regard to economic development Policy WA17 supports the development of local centres for business premises with the emphasis on encouraging sustainable local centres. It is not considered that this application would be relevant with regard to this policy.

The application site is located within the countryside and at some distance from any development boundary, within an area which has an associated residential use. This area to the south of the cottages forms a parking area, with some incidental buildings, for the use by the four immediately adjacent terraced cottages. The design and access statement states that the section of the building closest to the principal elevation (western end) which also has a verandah, was constructed as a summer house in 2010 and has therefore become lawful due to the passage of time. This building was originally constructed when the applicant resided within no.4 Manor Farm Cottages (the cottage directly north of the building) and has been used for incidental purposes, including as a home office. Subsequently the building was extended to the size that is currently present on site and the whole building is now used as a commercial office. Planning permission is required for the extensions to the building, as well as the use of the whole building for a commercial use.

The original building has a floor area of 19.7m² and the extension provides an additional 18.4m² of commercial space, resulting in a total area of 38m² and a store for the dwelling at no.4 (which has a connecting door into the commercial element of the building).

The building is not a home office, the applicant does not live on site (and rents out no.4 Manor Farm Cottages to a third party) and so the proposal would result in a separate planning unit being formed, which comprises a commercial office with facilities for meetings. There is some dispute between the applicant and the neighbours within the cottages regarding the frequency of meetings at the site. Consequently, the occupants / visitors of the commercial unit must travel to the site, which is not located close to the development boundary of any nearby settlements. There is no justification as to why this office must be located in this rural location rather than within a nearby settlement and thus the proposal is contrary to the rural employment exception site criteria within Policy CS10 of the Core Strategy.

Consequently, it is considered that a commercial office, which forms a separate planning unit from the existing dwelling and sited within this rural location and immediately adjacent to unrelated residential dwellings, is not appropriate. The proposal is therefore contrary to the principles of the NPPF 2021, in particular para. 84, Policy CS01, CS06 and CS10 of the Core Strategy 2011 and Policies DM1 and DM2 of the SADMPP 2016.

Impact on the Non-Designated Heritage Asset:

The application site forms part of the setting for the adjacent terraced cottages which are considered an undesignated heritage asset. Paragraph 203 of the NPPF 2021 states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' Policy CS12 of the Core Strategy 2011 also states that 'the historic and built environment play a crucial role in delivering environmental quality and well-being. Therefore, the Council will preserve and where appropriate enhance its qualities and characteristics. Policy DM15 of the SADMPP 2016 states development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Policy WA01 of the North Runcton and West Winch Neighbourhood Plan 2017 protects sites of local value, of which the application site is within an area identified as a site of nature conservation value (C2) which is considered important in terms of landscape value and, where paths exist, recreation value with many areas of common land thought to be Saxon or older.

While the impact of the building itself is mainly seen from the west, and the building on this elevation is lawful due to the passage of time, the addition to the building adds to the visual impact of the building. The resulting building has the scale and appearance, exacerbated by the verandah (lawful) and wood burning stove, of a residential dwelling in a space which can only accommodate incidental buildings. The inclusion of a building of this form and scale erodes the sense of space and isolation that is important to the significance of the cottages.

The agent has put in his design and access statement that the building was extended at the end of 2018, and if this is the case (no evidence has been submitted) then the building itself could be lawful due to the passage of time (over four years). Whilst it has not been determined whether the building is lawful, if for arguments sake it was considered lawful, the cumulative effect of the building, as well as the use of the building as an office and the resultant activity and traffic associated with such a use, would cause further harm to the tranquil qualities of the rural setting and there is an objection from the Conservation Team. It is considered that the change of use of the land in this location as an office use, and the

scale, form, design and position of the building, causes less than significant harm, which would be moderate in scale to the setting of the non-designated heritage asset.

On balance the proposal is considered to be contrary to para 203 of the NPPF 2021, Policy CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Impact on Neighbour Amenity:

The building is located to the south of the cottages; however it is located at a sufficient distance that it does not cause any overlooking, overshadowing, nor is it considered to be overbearing being located on the opposite side to the access.

The main issue with regard to the proposed change of use is the potential for noise and disturbance caused by the employees and the potential visiting traffic. The Parish Council, while supporting the application have requested that it is ensured that the proposal does not adversely impact upon neighbour amenity. There are no objections from the CSNN officer, although it has been requested that should the application be approved a condition be placed on any decision limiting the office hours so as to limit potential noise and disturbance.

Consequently, while the location of the proposed business is not considered to be acceptable given the isolated and tranquil setting, it not considered that a refusal on amenity grounds could be justified. The proposal is therefore considered to comply with the principles of the NPPF with regard to amenity, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016 with regard to amenity. The proposal would also comply with Policy WA07 of the Neighbourhood Plan with regard to demonstrating an adequate level of privacy and protection from noise in relation to neighbouring properties.

Highway Safety:

The proposal is accessed over the common and parking is at the front (north) of the building just inside the access. There are objections from the neighbours regarding the fact that the shared access is sometimes blocked and also issues regarding the increased maintenance costs associated with wear and tear to the access drive.

The proposal does comply with standards with regard to parking spaces for an office use and there are no objections to the proposal from the Highways Officer, although the location cannot be considered sustainable with regard to reducing the reliance on cars and vehicular use.

Regarding whether the applicant can use the shared access for a commercial use is a civil matter between him and the owners of the other properties who share maintenance costs.

On balance the proposal complies with para. 110 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Other matters requiring consideration prior to the determination of this application:

Details of the foul drainage arrangements were requested during the application and the applicant has confirmed that the drainage is to a sealed cesspit, which does not require a permit from the Environment Agency. Notwithstanding this, conflicting information has been submitted during the application and therefore CSNN has requested that should the application be approved that a condition be placed on any decision, that within eight weeks of the date of the decision, full details of the foul drainage arrangements be submitted and agreed. If it is necessary to alter the existing drainage arrangements, then this will need to be conditioned to be carried out within a set period of time following the agreement of the

details. It is noted that while supporting the application the Parish Council has made comments regarding ensuring foul drainage arrangements comply with current regulations.

There are no objections to the proposal from the Environmental Quality Team with regard to contaminated land.

The application site is within flood zone one and therefore does not require a flood risk assessment.

Crime and Disorder Act:

There are no issues with regard to crime and disorder that have arisen due to this application.

CONCLUSION:

The provision of an office building in this rural location is considered to be unjustified and fails to meet the criteria for a rural employment exception site within Policy CS10 of the Core Strategy 2011 and para 84 of the NPPF 2021. The proposal would result in the formation of a new and separate planning unit in this tranquil and open location, immediately adjacent to unassociated residential dwellings which are classed as a non-designated heritage asset. Whilst the NPPF and Local Plan Policy is supportive of rural enterprise, Members are asked to consider whether the location of the office building is acceptable given the rural position and the impact upon the setting of the non-designated heritage asset, which is cumulative.

Overall, the proposal is contrary to the principles of the NPPF, Policies CS01, CS06, CS08, CS10 and CS12 of the Core Strategy 2011 and Policies DM1, DM2 and DM15 of the SADMPP 2016 and it is recommended that the application be refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Paragraph 85 of the NPPF 2021 acknowledges that in rural areas, sites may need to be found beyond existing settlement boundaries and in locations not well served by public transport. Notwithstanding this it does state that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on roads and exploits any opportunities to make a location more sustainable. This is reiterated within Policy CS10 of the Core Strategy 2011 which sets out the criteria by which rural employment sites may be provided which meets a local need.

The extended building, along with the change of use to a commercial office would result in an economic use which would be situated in a rural location, some distance from any development boundary, and which is immediately adjacent to unassociated residential dwellings. The proposal is considered to be in an inappropriate and unsustainable location for a commercial unit. The proposal is therefore contrary to the provisions of the NPPF, in particular paragraph 84, Policies CS01, CS06 and CS10 of the Core Strategy 2011 and Policies DM1, DM2 and DM15 of the Site Allocations and Development Boundary 2016.

- 2 Paragraph 203 of the NPPF 2021 states that ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’ This is reiterated within Local Plan Policy CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016 where development must protect and enhance the amenity of the wider environment including its heritage and cultural value.

The application site forms part of the setting for the adjacent terraced cottages which are a non-designated heritage asset. The use of the land as an office, in this location which is open and tranquil, as well as the scale, form, design and position of the building erodes the sense of space and isolation important to the significance of the cottages. The proposal would therefore cause less than significant harm which would be moderate in scale to the setting of the non-designated heritage asset.

The proposal is therefore contrary to para. 203 of the NPPF 2021, Policies CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.