

Parish:	Southery	
Proposal:	Proposed erection of cottage and barn/carport with rear garden including the creation of ponds.	
Location:	Blackbarn Drove Ringmore Road Southery Norfolk PE38 0NL	
Applicant:	Mr & Mrs Javey & Annette Osler	
Case No:	23/01693/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 27 November 2023 Extension of Time Expiry Date: 12 January 2023

Reason for Referral to Planning Committee – Called in by Cllr Lawrence.

Neighbourhood Plan: No

Case Summary

This application seeks planning consent for the 'proposed erection of cottage and barn/carport with rear garden including the creation of ponds' on Blackbarn Drove, off Ringmore Road in the village of Southery. The site is 0.70ha in size. The application site currently consists of a derelict structure (formerly a dwelling) and a barn structure in poor condition with agricultural land to the rear. The existing dwelling structure is considered 'abandoned' in line with paragraph 80 of the NPPF.

Southery is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (2016), and as such the village has a development boundary. The application site is approximately 500m to the north east of the development boundary on land categorised as open countryside.

Key Issues

- Planning History
- Principle of development
- Form and character
- Impact on neighbour amenity
- Access/ Highway safety
- Other Material Considerations

Recommendation:

REFUSE

THE APPLICATION

This application seeks planning consent for the 'proposed erection of cottage and barn/carport with rear garden including the creation of ponds' on Blackbarn Drove, off Ringmore Road in the village of Southery. The site is 0.70ha in size. The application site currently consists of a derelict structure (formerly a dwelling) and a barn structure in poor condition with agricultural land to the rear. The existing dwelling structure is considered 'abandoned' in line with paragraph 80 of the NPPF.

Southery is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (2016), and as such the village has a development boundary. The application site is approximately 500m to the north east of the development boundary on land categorised as open countryside.

The application seeks consent for a substantial three bedroom single storey detached dwelling. This has a ridge height of 6.5m and an eaves height of 2.3m. The proposed dwelling is situated in excess of 10m back from the access track, and is positioned so that the front elevation of the proposed dwelling is in the location of the rear elevation of the existing structure. The materials proposed are Kempston antique/ Camtech old (or similar) with flintwork infill panels to the front elevation, and clay single pantiles. PV panels/ tiles are proposed for the rear elevation.

The replacement barn is proposed forward of the dwelling to the southwest of the site, in the position of the existing barn. The proposed barn is 5.5m in height to the ridge and 2.4m to the eaves. The barn consists of two enclosed bays and three open bays at ground floor. The first floor is open to provide loft storage and is accessed via an external staircase. This is proposed to be constructed from timber with clay pantiles with PV panels/ tiles.

To the rear of the dwelling is a large landscaped area including an orchard and two ponds. The trees along the boundaries are to be retained. The boundary treatments include a 1m post and rail fence to the front of the site and a 1.2m post and rail fence along the side boundaries. The fencing will be added to by hedging to be planted alongside. On the rear boundary the existing hedging will be retained. There is also a 1.8m close boarded fence proposed alongside the dwelling on the front elevation, this would be situated behind the proposed barn in the street scene however.

The site falls in gradient as you move towards the rear of the site and the existing drainage ditches to the southern and eastern boundaries of the site are to be retained.

SUPPORTING CASE

The spatial and design terms the application proposal to be in accordance with NPPF para 80 in that it reuses an existing rural building in the countryside and will lead to a significant enhancement to its immediate vicinity.

The bespoke bungalow/cottage design with accompanying timber carport is considered appropriate to this location and is an example of good sustainable design as required by both local and national planning policy. Use of solar panels and high levels of insulation - alongside battery storage will significantly reduce energy use in accordance with local and national policies of sustainability.

The landscaping scheme in conjunction with the build will lead to a significant benefit in terms of biodiversity. This landscaping also significantly enhances the immediate surrounding and retains the more rural setting.

The site is in Flood Zone 1 and as such flood risk does not form a constraint to development.

This application proposal has received significant support from locals which is proven evident from the 13 supporting comments (from the date of this Supporting Statement) which all generally support the idea of removing the 'eyesore' and 'unsafe' existing structures with the more attractive and in-keeping cottage and supporting landscaping. The application has also received Parish Council support along with no objections from NCC Highways or Environmental Quality.

With all the above taken into consideration we strongly believe this that planning permission be granted

PLANNING HISTORY

21/01919/F: Application Withdrawn: 07/04/22 - Proposed replacement dwelling - North of Blackbank Farm, Black Bank Drove, Southery

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Members of Southery Parish Council would like to support application 23/01693/F also noting that this will be a good use of an isolated building and will enhance the area.

The planning and design and access statement quotes that: Whilst the site is in open countryside and rural policies of restraint are applicable- reference is made to NPPF para 80 which is a national enabling policy that does allow new residential development in the open countryside in certain circumstances. It is considered that the proposal is consistent with Para 80. "The development would use redundant or disused buildings and enhance its immediate setting" It is also noted that the development endeavours to use part of the existing disused building, and, the landscaping scheme will in conjunction with the build lead to a significant benefit in terms of biodiversity.

Highways Authority: NO OBJECTION subject to condition.

Having visited the site we were aware of the existing buildings that are present and the potential traffic they could result. On balance therefore we have no objection to the principle of the application and recommend a condition is attached to secure the access and parking and turning area.

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

The applicant has provided a screening assessment indicating no known contamination. We have reviewed our files and the site is on land seen developed for the duration of our records. The surrounding landscape is largely 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.

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Therefore we recommend a condition is included. Due to the age of the property on site there is the potential for asbestos containing materials to be present and we recommend an informative is included.

Public Rights of Way Officer: NO OBJECTION

We have no objection in principle to the application but would highlight that a Public Right of Way, known as Southery Footpath 6 is aligned along Black Bank Drove, close to the proposed access to the development site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

REPRESENTATIONS

THIRTEEN representations of **SUPPORT** received. These are summarised below-

- Support improvements to village
- Applicants are lifelong members of the village
- Proposal is for an attractive, well-designed, eco-home
- Scheme includes re-use of existing cottage
- Includes landscaping features to encourage wildlife/ biodiversity
- Redevelopment of derelict building will improve the area. The existing building is of low architectural merit, and its vernacular character contributes to the village.
- Design appropriate and will blend into the landscape.
- Improve views from neighbouring dwellings and the visual appearance of locality.
- Enhance security in the locality.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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 considerations are:

- Planning History
- Principle of development
- Form and character
- Impact on neighbour amenity
- Access/ Highway safety
- Other Material Considerations

Planning History:

This planning application follows an earlier application submitted last year for a 'proposed replacement dwelling'. That application was withdrawn by the applicant following discussions with the planning officer. The officer was unconvinced as to the justification for the proposal having regard to its position in the open countryside and therefore the application was headed for a recommendation of refusal.

At that time the application was for a 'replacement' dwelling and as such consideration was given to whether the derelict structure could be classed as an existing dwelling in planning terms or had been abandoned.

Whether a use or property has been abandoned is based on site specific circumstances however is commonly assessed based on the following factors:

- a) the physical condition of the premises;
- b) the period of non-use;
- c) whether there had been any intervening use;
- d) evidence regarding the owner's intentions.

At that time information submitted with this application, stated that the bungalow was last occupied in September 1955 and none of the owners since this time period have sought to restore the building. Satellite images dating back to 1999 show the bungalow in a state of disrepair, with vegetation covering the majority of the roof of the building. From 2006 onwards, the house is visibly in complete disrepair with only very limited parts of the structure. The dwelling has continued to deteriorate since the 2018 images and as of the site visit, only parts of the original walls still stand. The building is in a very poor stage being incomplete and having an unsound shell. A substantial amount of demolition and rebuilding would be required to create a habitable dwelling. No obvious curtilage or garden land is visible on current satellite images. Prior to the submission of this application (and the previous 2021 application) there has been no evidence of intention evidenced.

Thus, the evidence suggested overall that any reasonable person would conclude that a residential use had ceased to exist. There was therefore no existing dwelling on site to replace, and the proposal constituted the construction of a new dwelling in the countryside.

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Principle of Development:

This application seeks consent for the construction of a new dwelling in the countryside which is controlled through Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). As the site is outside of the development boundary outlined on inset map G.85 the site is considered to be within the wider countryside and countryside protection policies apply. Policy DM2 of the SADMPP (2016) permits the construction of dwellings in the countryside where certain parameters are met.

The applicant refers to the NPPF paragraph 80 which restricts the development of isolated homes in the countryside unless one or more of the criteria apply. Criteria a, b and d are not relevant to this application. Criteria c refers to development which 'would re-use redundant or disused buildings and enhance its immediate setting.' However, given the dwelling has been abandoned this reverts to countryside and is not classed as a disused/ redundant site. Criteria e requires the design of the development to be 'of exceptional quality'. The dwelling proposed while acceptable is not of an exceptional quality design with outstanding architecture and would not significantly enhance its immediate setting.'

No additional justification has been put forward to demonstrate an identified need for a new dwelling in the countryside. The Borough Council has a five year land supply and this proposal would result in unnecessary development in an unsustainable location. The application is contrary to the NPPF, Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).

Form and Character:

Proposed plans indicate the construction of a single storey bungalow with ridge line running parallel to the adjacent highway. The proposed building is of simple design and, considering the mix of dwelling styles in the immediate vicinity, is considered unlikely to lead to any significantly adverse impact on the street scene. The materials proposed are considered appropriate to the form and character of the rural locality.

There is no recognisable curtilage visible on site and the red line area has been drawn with the rear boundary projecting into surrounding agricultural land. Looking at historical aerial photography dating between 1999 and 2022 it appears evident that the curtilage of the dwelling was drawn much tighter to the former dwellinghouse. The rest of the site was used for agriculture rather than as amenity space during this time. As noted above, the principle of development is not considered acceptable as it would result in the loss of agricultural land as domestic garden extends into the countryside, and this would similarly impact on the rural form and character of the locality.

The boundary treatments proposed would not lead to any adverse impact on the intrinsic character and beauty of the countryside. Details of the boundary treatments have been provided, as are the landscaping details which are detailed on the proposed plans (and could be conditioned). These should prevent any further encroachment into the countryside. However, while the ponds and landscaping may improve biodiversity within the site this benefit does not outweigh the in principle objections to the development as proposed.

In terms of the form and character of the development proposed, this is not in accordance with the NPPF and Local Plan Policy CS08 of the Core Strategy and Policy DM15 of the Site Allocations and Development Management Policies Plan.

Impact on Neighbour Amenity:

The application site is a sufficient distance from neighbouring residential properties either side of the site and given this is a single storey dwelling proposed, is therefore considered unlikely to lead to any adverse impacts on the amenity of neighbours and is therefore in accordance with the NPPF and policy DM15 of the Site Allocations and Development Management Policies Plan.

Access/ Highway Safety:

Access is proposed via Black Bank Drove which coincides with a public bridleway. No objections have been raised by the Local Highway Authority or the PROW team and no significant impact is therefore considered likely. The proposed development would not give rise to any concerns/ objections regarding the access and highway safety and as such the application accords with the NPPF, policy CS11 and policy DM15 of the Local Plan.

Other Material Considerations:

Flood Risk/ Drainage - The application site lies in flood zone 1 and is therefore at the lowest risk of flooding. Given the nature of the site and scale of development proposed the drainage arrangements can be addressed via the building control process, although the applicant has provided details as part of the proposed plans. This is fully in accordance with the NPPF.

Existing trees – The applicant has submitted a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement May 2023 produced by Rick Morrish Associates. This details how existing trees will be protected during the construction process. The development proposed does not require the removal of any existing trees and the application could be conditioned to be in accordance with the Assessment, Plan and Statement.

Contamination – The Environmental Quality officer has requested that were permission to be granted a condition should be attached in case of any unexpected contamination found during construction. This is due to the former use of the site for agriculture).

CONCLUSION:

The application seeks planning consent for the construction of a single dwelling on land categorised as countryside in the adopted Local Plan. While there is the remains of a dwelling on site, the poor condition of this means that it is classed as 'abandoned' and as such this cannot be considered a replacement dwelling. The application fails to meet any of the requirements of paragraph 80 of the NPPF because this cannot be considered a redundant/ disused building (due to its poor condition) and the development proposed is not of 'exceptional quality'.

Policy DM2 of the Site Allocations and Development Management Policies Plan seeks to protect the countryside by restricting new development. This application fails to meet any of the criteria within this policy and as such is contrary to the adopted Local Plan policy.

The Council has a five year land supply and the proposed development represents unnecessary development in the open countryside contrary to national and local policy with insufficient justification. For the reasons explained above and below it is recommended that Members refuse this application.

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RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The application is considered to comprise of the construction of a new dwelling with garages and landscaping (including ponds) in the open countryside for the purposes of the Local Plan.

The application site is outside of any defined development boundary and therefore within the wider countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). The scheme fails to meet the required criteria of paragraph 80 of the NPPF. The Borough Council also has a five year housing land supply. As a result the scheme would result in an unnecessary development in an unsustainable location and would result in harm to the rural locality. Improvements to biodiversity on the site would not outweigh the harm caused due to the loss of agricultural land as the curtilage of the dwellinghouse is extended.

No additional justification has been provided to outweigh these conflicts and the proposal is therefore considered contrary to the NPPF, Policies CS02, CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).