

AGENDA ITEM NO: 9/3(e)

Parish:	Emneth	
Proposal:	Construction of dwelling	
Location:	Land North of Outwell Road Emneth Norfolk	
Applicant:	Mr P Strickle	
Case No:	16/00577/F (Full Application)	
Case Officer:	Mr Bryan Meredith	Date for Determination: 16 May 2016 Extension of Time Expiry Date: 10 June 2016

Reasons for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Case Summary

The application proposes the construction of a dwelling and a garage with parking and a turning area on a site measuring approximately 0.09ha on land immediately east of 191 Outwell Road, Emneth.

This site is located at to the north of Outwell Road on the outskirts of the village of Emneth. The site is contained on all sides with land drains to the north, neighbouring residential boundary treatments to the east and west and a road to the south. The land to the north is an orchard and neighbouring residential properties are located either side of the site.

Policy CS06 of the Core Strategy states that the strategy in rural areas such as this site will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs. No evidence has been submitted to meet this requirement.

The site lies within Flood Zone 1 of the Strategic Flood Risk Assessment.

Key Issues

Principle of Development
Form and Character
Other Considerations

Recommendation

REFUSE

THE APPLICATION

The application is for the construction of a dwelling at land immediately East of 191 Outwell Road, Emneth.

The application site lies in an area designated as open countryside, to the south-west of the village of Emneth on the northern side of Outwell Road between two existing dwellings. The surrounding countryside is typified by sporadic frontage developments separated by large and small gaps in the frontage.

SUPPORTING CASE

A Design and Access Statement supports the full planning application setting out how the impacts of the proposed development are sympathetic to its surroundings in terms of its design, layout, scale and access. The statement addresses the planning history and in particular Application Ref: 13/01123/OM (Appeal Ref: (PP/V2635/A/14/2219315)). In particular, the statement addresses a number of key factors which are listed in the appeal for reasons why the planning permission could not be upheld in order to support this application's case.

Further to the Design and Access Statement, an Initial Contamination Report accompanies the application to demonstrate how the risk of contamination to the proposed development has been considered and incorporated into the design proposal. The report states that no evidence of contamination has been found in the location of the new dwelling during multiple site visits and surveys.

RELEVANT PLANNING HISTORY:

15/02103/F: Application Refused: 18/02/16 - Proposed 2 new dwellings - Land Immediately E of 191 Outwell Road, Emneth, Norfolk;

2/04/0208/O: Application Refused: 24/03/04 - Site for construction of dwelling - Land To The West Of Wayside, 195 Outwell Road, Emneth, Wisbech, Norfolk, PE14 8BG, Appeal Dismissed 04/02/05;

RESPONSE TO CONSULTATION:

Parish Council: SUPPORT Emneth Parish Council recommends approval to this application. Despite this application being outside the development boundary, the Parish Council lends its support to the development of the site. The provision of a modest dwelling in this location would not be intrusive and is a sensible alternative for a non-productive plot with no economic agricultural value. Any overlooking issues are easily dealt with. Despite the site being some way from the main settlement we note the applicant's comments regarding sustainability and permissions granted for a number of other sites at similar distances.

Local Highway Authority: NO OBJECTION Having visited the site, I believe that the accesses for the proposal would be safe and parking and turning could be provided in accord with the parking standards for Norfolk.

The proposed development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site.

Should however your Authority seek to approve the application I would recommend conditions be attached to a decision notice.

Environmental Quality: Based on the information supplied and held within this section, I have No Comments to make for this proposal regarding contaminated land or air quality issues.

REPRESENTATIONS:

A total of **TWO** letters of **OBJECTION** have been received.

The issues raised are as follows:

- The site history;
- The appeal decision as issues of concern which have not been addressed or changed within this current application;
- The damage development will have in an area of countryside;
- A Public Right of Way present on the site;
- Flood Risk concerns;
- Consistency with decision making and assessment relating to application ref 15/02103/F.

NATIONAL GUIDANCE

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 POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of Development
- Form and Character
- Other Considerations
- Conclusion

Principle of Development:

The application site lies within a part of Emneth which is outside the development boundary, situated in open countryside as set out in the Settlement Hierarchy under policy CS02 of the Council's adopted Core Strategy (2011).

The application site lies in an area designated as countryside in the saved policies and as a result is required to remain open and protected from development. Development on the application site would result in the consolidation of the existing sporadic development which would cause harm to the character of the area. As a result the proposal conflicts with the aims of sustainable development. The harm caused by the proposal outweighs the benefits of an additional dwelling. Consequently, the proposal is contrary to paragraphs 14 and 55 of the NPPF.

The application site was considered by the Planning Inspector, in dismissing an appeal in 2004. The form and character of this locality has not changed in the interim and the conclusions still stand. An application, 15/02103/F, which was a proposal for 2 new dwellings on the same site was refused due to the site being considered unsustainable and set in land designated as open countryside.

In light of the above and the current policy position, it is therefore considered the principle of development is unacceptable.

Form and Character:

Outwell Road and the adjacent land, including the application site, is located some distance away from the settlement of Emneth in an area defined as countryside in the adopted Local Plan. In order to protect the intrinsic character of the countryside local plan policies, in particular Policy CS06 of the Core Strategy; strictly control residential development in the countryside only allowing development of greenfield sites which will be proved to be essential for agricultural or forestry needs. No justification has been submitted with the application on that basis. As a result the proposed development would have an adverse impact upon the form and character of this locality and would outweigh the benefits, when assessed against the policies of the NPPF taken as a whole and specifically saved Local Plan policy 4/20, plus Core Strategy policies CS06 & CS08 and policies DM1 & DM2 of the emerging Site Allocations & Development Management Policies Plan.

Other Considerations:

Emneth Parish Council recommends approval for the application. Whilst the Parish Council state support for this proposal, as they did in the previous application reference number 15/02103/F, this is not substantiated by planning policy grounds. Previous approvals which the Parish Council mentions in their support of the application were granted under different material circumstances where the Council was judged to not have a Five Year Supply of Housing and applications were being assessed against the National Planning Policy Framework's presumption in favour of sustainable development. However, following the recent declaration by the Borough Council that it has five years' supply of deliverable housing sites across the borough applications are now to be considered on the basis of the existing and emerging local policies within the council's LDF/Local Plan.

The site lies within Flood Zone 1 of the Strategic Flood Risk Assessment.

The proposal raises no specific issues in relation to crime and disorder.

The Public Rights of Way Officer was consulted regarding the presence of a PROW and responded stating that after searching the legal documents he could find no reference to a PROW in this location to the north of Outwell Road and that there is no recorded right of way in the vicinity of the plot.

CONCLUSION

The site lies outside the development boundary of Emneth, in an area designated as countryside, where approving residential development would consolidate existing sporadic development. The proposal effectively constitutes a new dwelling in the countryside without justification.

In light of the above, the proposed development is contrary to policies CS01, CS02, CS06 & CS08 of the Core Strategy (2011) as well as paragraphs 14 & 55 of the NPPF and Policies DM1 & DM2 of the emerging Site Allocations & Development Management Policies plan.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site is in an area which classified as countryside by the Local Plan 1998, the Core Strategy 2011 and the Site Allocations and Development Management Policies Submission Document 2015. The site is located to the south of the village of Emneth, is remote from services and facilities and would consolidate existing sporadic development to the detriment of the character and appearance of the countryside. The proposal is not considered sustainable development and is therefore contrary to Paragraphs 14 and 55 of the NPPF and Policies CS06 and CS08 of the Core Strategy 2011.