

**AGENDA ITEM NO 8/1(e)**

<b>Parish:</b>	<b>Stow Bardolph</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of dwelling and Cattery and Pet Hotel business</b>	
<b>Location:</b>	<b>Hybrid Farm 246 The Drove Barroway Drove Norfolk</b>	
<b>Applicant:</b>	<b>CLIENT OF HOLT ARCHITECTURAL LTD</b>	
<b>Case No:</b>	<b>21/00833/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 15 July 2021</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Rose

**Neighbourhood Plan:** No

**Case Summary**

The proposal is for the construction of a new dwelling and cattery/small animal boarding facility at Hybrid Farm in Barroway Drove. Proposed plans indicate the construction of a four-bedroom dwelling with integral office and small animal care building and the construction of a barn/cattery to the north of the dwelling.

The application site currently comprises 0.28ha of agricultural land with redundant agricultural barns. Existing mature trees and hedgerows form the site boundaries.

**Key Issues**

Site history  
Principle of development  
Form and character  
Flood risk  
Other material considerations

**Recommendation**

**REFUSE**

**THE APPLICATION**

The proposal is for the construction of a new dwelling and cattery/small animal boarding facility at Hybrid Farm in Barroway Drove, a Smaller Village and Hamlet as defined by CS02 of the Core Strategy (2011). Proposed plans indicate the construction of a two storey, four-bedroom dwelling with integral office and small animal care building and the construction of a barn/cattery to the north of the dwelling.

Planning Committee  
13 September 2021

The application site currently comprises 0.28ha of agricultural land with redundant agricultural barns. Existing mature trees and hedgerows form the site boundaries.

**SUPPORTING CASE** None received at time of writing. However, the Applicant has submitted a Business Case which will be discussed within the main body of the report.

## **PLANNING HISTORY**

20/00224/O: Application Withdrawn: 27/06/20 - Outline application for construction of dwelling house, incorporating small animal care and boarding facility - Land at Hybrid Farm 246 The Drove

19/00409/O: Application Refused: 22/05/19 - 1Outline Application: Construction of dwelling house, incorporating small pet care facilities. - Land at Hybrid Farm - Delegated

17/00270/F: Application Refused: 10/04/17 - Standing of mobile home during barn conversion - Hybrid Farm 246 the Drove - Delegated

11/01541/F: Application Refused: 07/03/12 - Conversion of derelict agricultural buildings to two bedroomed bungalow - Hybrid Farm 246 The Drove - Delegated

06/00994/CU: Application Refused: 11/09/06 - Change of use of barn to form dwelling - Hybrid Farm Barroway Drove - Delegated

05/00552/O: Application Refused: 20/05/05 - Outline application: construction of dwellings - Hybrid Farm Barroway Drove - Delegated

## **RESPONSE TO CONSULTATION**

**Stow Bardolph Parish Council: SUPPORT**, with the following comments:

'Stow Bardolph Parish Council has considered the above planning matter and their decision is that they support this application as they feel the proposal will be beneficial to the village by tidying the site up and making it more visually appealing for the area in general

**Highways Authority: NO OBJECTION** on highway grounds, recommending conditions relating to visibility splays, access width, on-site parking/turning area etc.

**Internal Drainage Board: NO OBJECTION**, the boards byelaws should be complied with

**Environmental Health & Housing - Environmental Quality:** Recommended standard contamination conditions as a result of proposed use and history of the site.

**Environment Agency: NO OBJECTION**, subject to compliance with FRA

**Natural England: NO OBJECTION** - the proposal will not have significant adverse impacts on statutory sites or landscapes.

**Arboricultural Officer: NO OBJECTION** - subject to tree retention and protective fencing conditions

## **REPRESENTATIONS**

**ONE Neutral** Letter, raising concern over the description of the dwelling in the Design and Access Statement vs the plans.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues are:

Site history

Principle of development

Form and character

Flood risk

Other material considerations

## Site History

The application is for the construction of a dwelling incorporating an office and small animal room and the construction of a cattery building. The new business uses on site have been put forward to justify the construction of a dwelling in this position which is otherwise contrary to the provisions of the Local Plan.

The application follows the previously refused application 19/00409/O determined in May 2019 under delegated powers. The reasons for refusal were:

1. The site lies in Barroway Drove, which is classified as a Smaller Village and Hamlet where development is restricted unless it is required in relation to a rural enterprise or represents infill development. The applicant has not provided any special justification why countryside protection policies should be relaxed, and the proposal does not meet the criteria to qualify as infill development. The proposed development is therefore contrary to paragraph 79 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM3 of the Site Allocations and Development Management Policies Plan 2016.
2. The site is located in Flood Zone 3 and the Flood Hazard Zone as identified by the Environment Agency Flood Risk Maps. The proposal fails the exceptions test as it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and is therefore contrary to Paragraph 160 of the NPPF and Policies CS01 and CS08 of the Core Strategy 2011.

With regard to the barns themselves, there is extensive history as shown above dating back to 2005. Two applications have previously been submitted to convert the barns to dwellings, however structural reports failed to demonstrate the buildings were structurally capable of conversion to residential use without significant portions of new build (applications 06/00994/CU and 11/01541/F). Similarly, applications for the construction of new dwellings on this site and in blue land have also been refused permission on the basis that they are contrary to countryside protection policies.

## Principle of Development

Barroway Drove is categorised as a Smaller Village and Hamlet within Policy CS02 of the Core Strategy (2011), and the entire settlement is therefore classed as being within the countryside, where development is restricted to that which has been identified as sustainable in rural areas as outline in Policy DM3 of the Local Plan, which states:

'New development in the designated Smaller Villages and Hamlets will be limited to that identified as suitable in rural areas, including:

- Small scale employment uses (under Policy CS10)
- Community facilities (under Policy CS13)
- Smaller scale tourism facilities (under Policy CS10)
- Conversions of existing buildings (under Policy CS06)
- Rural exceptions affordable housing; and
- Development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06).

Plus, housing as set out following:

The sensitive infilling of small gaps within an otherwise continuously built-up frontage will be permitted in Smaller Villages and Hamlets where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the street scene'

Barroway Drove comprises a cluster of buildings around the junction with Lady Drove, with sporadic linear development extending out from this area. As the settlement continues south towards the application site, the form and character transforms to become increasingly rural in nature. With the subject site located approximately 2,000m south west of the aforementioned junction with Lady Drove, the area surrounding the proposal site is rural in character, with the long views across the agricultural fields either side of the site being an intrinsic part of the form and character of the area. With no dwellings on either side of the application site, the subject site does not form a small gap within an otherwise continuously built-up frontage. Residential development on the site would therefore be considered contrary to Paragraph 80 of the NPPF (2021) and Policy DM3 of the Site Allocations and Development Management Policies Plan (2016).

Whilst the site itself is not currently actively farmed or used for the purposes of agriculture, it should be noted that the site's lawful use remains as agricultural land. The site does not meet the definition of brownfield or previously developed land in the NPPF and whilst the re-use of the site may reduce the safety risks involved in a derelict site; there is no premium on neglect and additional justification is therefore required to accord with policies of the local plan.

The applicants have put forward the establishment of a cattery/small animal boarding facility on site as justification for the construction of a dwelling in this position.

### **Dwelling in association with proposed business use**

An area is identified as office/small animal boarding area integral to the main dwelling on the proposed plans and this area is indicated for use in connection with the boarding cattery which is proposed to the north east of the dwelling following the demolition of an existing barn.

Typically, new agricultural dwellings proposed in connection with new rural enterprises are provided by way of the siting of a caravan for a temporary period as outlined in the first part of DM6. This allows for a temporary residential use whilst the business is established and provides a timeframe within which the functional need for a new dwelling can be established. This is not the case in this instance and no such application has been submitted. Whilst the business is not currently operating on site, the applicant seeks consent for the construction of a permanent dwelling

In line with DM6, applications for new permanent dwellings in connection with existing businesses must be accompanied by evidence demonstrating the following:

- a) There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and night
- b) The need could not be met by existing dwellings within the locality
- c) The application meets the requirements of a financial test demonstrating that:
- d) The enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them, and:
  - i) are currently financially sound, and have a clear prospect of remaining so and
  - ii) the rural based enterprise can sustain the size of the proposed dwelling
  - iii) is acceptable in all other respects'

- a) There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprise day and night.

The business use is not currently operating on site and is instead proposed as part of this application.

The proposed business is described as a cattery and small 'pet hotel', the latter aspect providing accommodation for rabbits, cavies/guinea pigs and caged birds.

Proposed plans and supporting documents state that the small animal care room is required to be located in close proximity to the main dwelling to allow observation, temperature control, and security. The cattery building itself is detached and to be located on the opposite side of the proposed car parking and turning area.

It is considered, given the sensitivity of the proposed use that an on-site presence would be necessary. However, as the business is not currently being operated the LPA do not consider that there is an established existing functional need. Policy DM6 states that where a new dwelling is proposed to support a new rural based activity, such as in this case, it should normally be provided for the first three years by a caravan or other temporary accommodation. This is not the case in this instance.

- b) The need could not be met by existing dwellings in the locality

Limited information has been provided as part of this application to assess the possibility of existing dwellings in the locality providing the space and conditions required for the proposed enterprise.

Whilst it is noted that a cattery and pet hotel business could lead to adverse impacts on neighbours as a result of increased vehicular movements and/or noise and disturbance generated from the proposed use, with only very limited information provided to demonstrate why existing rural dwellings in the locality are not capable of accommodating the proposed development. Secondly, no information has been provided in line with the first part of DM6 to demonstrate that the temporary use of a caravan on site is non-viable. The proposal is therefore considered to fail to comply with the above provision.

- c) the application meets the requirements of a financial test demonstrating that:  
d) the enterprise(s) and rural based activity concerned have been established for at least three years, have been profitable for at least one of them and;  
i) are currently financially sound, and have a clear prospect of remaining so and;  
ii) the rural based enterprise can sustain the size of the proposed dwelling;  
iii) is acceptable in all other respects

A financial forecast has been provided as part of this application, however the figures provided are inconsistent (The net profit figure for the first year vs revenues and expenses is incorrect and no explanation for this inconsistency is provided) and therefore there remains insufficient evidence to demonstrate a functional need for a dwelling in connection with the business use. Notwithstanding this, the business is also not an existing enterprise. Whilst the establishment of a cattery/small animal boarding business may be suitable in a rural area, to accord with Policy DM6, once an established functional need is clearly evidenced, a temporary dwelling would be required for an initial period and this is not the case in this instance.

Secondly, no evidence has been provided to demonstrate that a business of this size can sustain the occupation of the dwelling, which is shown to be a large four-bedroom detached property.

Overall, the LPA do not consider that adequate justification has been provided to outweigh the proposed dwelling's positioning in a location that is contrary to the provisions of the Local Plan. The development is therefore considered contrary to policies CS02, CS06 and CS08 of the Core Strategy (2011) and Policy DM2, DM3 and DM3 of the Site Allocations and Development Management Policies Plan (2016).

### **Form and Character**

The proposed plans indicate the construction of a two-storey dwelling, with a two storey element to the front and single storey projection (forming the office and small animal care building) towards the rear. The cattery building has a similar footprint however is more utilitarian in appearance.

The proposed dwelling is a large four bedroom detached house which comprises a taller main element, with total height of approximately 8.8m to ridge from existing ground level at the front of the dwelling (7.7m from raised ground levels) and a lower subservient rear projection, housing the small animal care space, office building and utility/bathroom with a total overall building length of approximately 21m.

The Cattery is proposed with a similar footprint, with a barn to the front totalling 8.8m to ridge line (from existing ground level). To the rear the total height again is lower with a ridge line at approximately 6.15m. Limited windows and detailing provided on this building lead to extensive blank elevations.

As a result of the flood risk on site, the proposed dwelling is required to be raised to a minimum of 1.4m from existing ground levels. Proposed plans indicate ground levels to be raised in the centre of the site, leaving land around the boundaries at existing level and sloping ground levels from the widened access. The existing trees and hedgerows on the site are to be retained and will provide some screening, however given the total height of the proposals, the dwelling and cattery building will be visible above boundary fencing and will have an impact in terms of long views of the site in all directions. The screening provided during autumn/winter will be significantly reduced due to the type of trees existing on site boundaries.

Para 130 of the NPPF (2021) states that planning decisions should ensure that development will add to the overall quality of an area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and is sympathetic to local character and landscape setting.

Para 174 of the NPPF (2021) requires decisions to contribute to and enhance the natural environment and recognise the intrinsic character and beauty of the countryside.

Policies CS06 and CS08 of the Core Strategy (2011) also recognise the need for development to protect the character of the countryside. Policy DM15 states that development should respond sensitively and sympathetically to the local setting.

Whilst the buildings have similar footprints which provides some balance overall, the cattery building has limited detailing which results in a blank North West elevation fronting The Drove and only limited detailing or fenestration on the side elevations. Whilst considering the use a barn-like appearance is acceptable in principle, the building is considered to pay little regard to the character and appearance of its surroundings and, when combined with the raised ground levels discussed above, the design of this part of the proposal is considered likely to lead to an adverse visual impact on the surrounding countryside, which the NPPF (2021) and the Local Plan seek to protect and enhance.

The proposed dwelling has more detailing however includes a mix of window sizes and styles as well as a mix of materials (details of which to be agreed). Feature cladding is proposed below and between windows on the North West and South East elevations and brick quoin detailing with contrasting stone infill panels is proposed on the gable ends on the South West and North East elevations. Whilst the mix of materials proposed and the varying ridge heights adds detailing to the dwelling, the lack of consistency of design and materials used on each elevation and the lack of interaction between the street facing (North West) and the south west elevations (facing the wider agricultural fields) is not considered to represent good design for the purposes of the NPPF (2021).

Overall, the proposed design is considered to lead to a detrimental impact on the character and appearance of the countryside due to the wide flat views combined with the extensive blank flank walls and poor detailing/design of the proposed buildings, which is exacerbated by the raised floor levels required for the residential use. Whilst vegetation along boundaries will partially screen the buildings from view, planting and screening should not be used to overcome key design concerns and regardless, is not considered sufficient to screen the development to an acceptable level given the flat fen landscape surrounding the site in all directions.

The design is not considered to respond sensitively to the local context and setting. The long views provided of the side elevations of the site, both on approach from the main built extent of Barroway Drove to the North East as well as on approach from the south will be highly visible above existing boundaries. The lack of interaction between the front elevations of both the dwelling and the cattery and the surrounding street scene, whilst partially obscured by sycamore trees which are to be retained will have further adverse impact when compared to the consistent frontage development on the opposite side of the adjacent highway and is not considered to represent good design.

The design of the proposal is therefore considered contrary to paragraphs 130 and 174 of the NPPF (2021), Policies CS06 and CS08 of the Core strategy (2011) and Policy DM15 of the SADMPP (2016).

### **Flood Risk**

Paragraphs 159-165 of the NPPF (2021) relate to development in areas of flood risk and the requirement for proposals to pass both the sequential and exceptions tests. The key phrase in paragraph 159 refers to only development that is necessary in such areas being supported. Given that the Borough Council can currently demonstrate a five-year supply of housing, the proposal, for a single dwelling in a location which is contrary to the spatial strategy outlined in CS02 and DM3 of the Local Plan, is not considered necessary in any respect.

The application site is located in flood zones 2 & 3 as indicated within the Borough Council's SFRA (2018). Given that the entire settlement is located within the same flood zones, there are no 'reasonably available' sites within the settlement at a lower risk of flooding. The sequential test would therefore be passed, and the application therefore needs to demonstrate it passes the exceptions test in accordance with paragraph 159.

For a development to pass the exceptions test, it must provide sustainability benefits to the community that outweigh the flood risk implications and be shown to be safe for its lifetime.

Whilst the flood risk assessment indicates levels can be raised on the site to ensure the dwelling is safe for its lifetime and the Environment Agency has stated no objections on this basis, the provision of one dwelling in this location in a position which is contrary to the Local Plan is not considered to provide any sustainability benefits to the wider community to an



extent that would outweigh the adverse impact of flood risk. Therefore, the previous reason for refusal under 19/00409/O still stands. The development fails the exceptions test and is therefore considered contrary to the NPPF (2019) and CS08 of Core Strategy (2011).

### **Other material considerations**

The site is located a suitable distance from neighbouring properties to limit any impact on the nearest neighbours, located on the opposite site of the Drove. It is considered, given the lawful use of the site, that conditions restricting the hours of delivery and waste management would be sufficient to limit any adverse impact as a result of the proposed commercial use.

The Local Highway Authority responded with no objections to the proposal, with their comments stating that ultimately accesses for the proposal would be safe once lower tree branches and vegetation have been cleared from trees to the side of the access. Conditions were recommended to ensure that the access is constructed to the required standard and that visibility splays are provided and maintained to both sides of the proposed access.

The Environmental Quality Team referred to the potential for buildings within the overall site to contain asbestos materials and recommended an informative to ensure assessment of the buildings and safe management during construction to ensure no adverse impacts on the wider environment.

Natural England stated no comment to the application based on the information provided. The application is not considered to meet the requirements for a survey in accordance with the Planning Practice Guidance. No significant impact on protected species or sites is considered likely as a result of the proposed development and the application is therefore considered to comply with Policy CS12 in relation to impact on ecology or biodiversity. Conditions are recommended by the Arboricultural Officer to ensure that the mature trees along site boundaries are retained which will further limit any impact.

**Crime and Disorder** There are no known crime and disorder impacts

### **CONCLUSION**

The proposal constitutes the development of a parcel of agricultural land with road frontage development in a position far removed from the main built extent of Barroway Drove and on a site that is surrounded on both sides by open agricultural fields and therefore does not fall within the criteria for infill development as outlined in DM3. Whilst a business plan has been provided, it is not considered to sufficiently demonstrate a functional need for a temporary dwelling, let alone a permanent dwelling in this position. No other justification has been provided to accord with Policies CS06, Policy DM3 or Policy DM6.

The design of the proposed buildings, by reason of the extent of blank flank walls and lack of any detailing or interaction with the street scene is considered likely to pose an adverse impact on the character and beauty of the countryside, contrary to paras 130 and 174 of the NPPF (2021) and policies CS06, CS08 and DM15 of the Local Plan.

As outlined above, residential development on the site is not considered necessary in terms of development in flood risk areas as outlined in Paragraph 155 of the NPPF (2019) and the application does not provide wider sustainability benefits to the community, therefore failing the exceptions test. The application is therefore considered contrary to Paragraphs 155-160 of the NPPF (2021) and Policies CS08 of the Core Strategy (2011).

Overall, the proposal is not considered to be suitable location for housing and is contrary to the provisions of the NPPF (paragraphs 80 & 159-165), Policies CS01, CS02, CS06 & CS08 of the Core Strategy (2011) and Policies DM1, DM2, DM3 and DM6 of the Site Allocations and Development Management Policies Plan (2016).

The application is therefore duly recommended for refusal

**RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The site lies in Barroway Drove, which is classified as a Smaller Village and Hamlet where development is restricted unless it is necessary in relation to a rural enterprise or represents infill development. The applicant has not provided adequate justification in line with DM6 to demonstrate a clear functional need for a dwelling in this position or any other justification as to why countryside protection policies should be relaxed, and the proposal does not meet the criteria to qualify as infill development. The proposed development is therefore contrary to paragraph 79 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM3 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The design of the proposed buildings, by reason of the extent of blank flank walls and lack of any detailing or interaction with the street scene represents poor design and is therefore detrimental to the character and appearance of the area, contrary to paras 130 and 174 of the NPPF (2021) and policies CS06, CS08 and DM15 of the Local Plan.
- 3 The site is located in Flood Zone 3 and the Flood Hazard Zone as identified by the SFRA 2018. The proposal fails the exceptions test as it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and is therefore contrary to Paragraph 164 of the NPPF and Policies CS01 and CS08 of the Core Strategy 2011.