

Parish:	Grimston	
Proposal:	Demolition of existing agricultural barn (which has Class Q Approval to two dwellings (ref 20/00191/PACU3) and replace with new residential dwellings (2 No.)	
Location:	Barn N of Vong Farm Vong Lane Pott Row Norfolk	
Applicant:	F.K. Coe & Son Ltd	
Case No:	21/02378/F (Full Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 14 February 2022

Reason for Referral to Planning Committee – Application called into Committee by Councillor Manning.

Neighbourhood Plan: No

Case Summary

The application seeks planning permission for the demolition of an existing agricultural barn and replace with two new residential dwellings. The existing barn was granted Class Q Prior Approval under application (ref 20/00191/PACU3) for the change of use to become two dwellings.

The application site is located within Pott Row which is identified as a Key Rural Service Centre within the Core Strategy and SADMP, however, the site is positioned outside of the defined settlement boundary and is therefore, considered as countryside in policy terms.

The site is not located within a Conservation Area or AONB nor is the site host to any listed buildings.

Key Issues

The key issues to be determined in this case are:

- Principle of Development
- Impact on Amenity
- Design and Form
- Highways and
- Other Materials Considerations

Recommendation

APPROVE

THE APPLICATION

Planning permission is sought for the demolition of an existing agricultural barn and the creation of 2no. dwellings.

The agricultural building was granted Class Q Approval to two dwellings under application 20/00191/PACU3) and was determined in 2020. The application is detailed and discussed later in the report.

The site is located some 300m from the nearest defined settlement boundary of Pott Row, along with Gayton and Grimston and is therefore, considered as countryside in policy terms.

The application site is accessed via an existing access from Vong Lane and is host to an agricultural building with the residential property Vong Farm positioned to the south. Surrounding the site is agricultural fields and the proposed will be semi detached and single storey, measuring 4.1m in height, 16.1m in width and 17.1m in depth. The properties will have a combined internal floor area of 268.9msq and will be constructed from metal sheet cladding with either timber or aluminium windows and doors.

PLANNING HISTORY

19/02050/PACU3: Application Withdrawn: 21/01/20 - Notification for Prior Approval for change of use of agricultural building to two dwellings (Schedule 2, Part 3, Class Q)

15/00330/F: Application Permitted: 22/12/15 - Change of use from farm building to offices with a use class of A2 and B1a

15/00330/DISC_A: Application Permitted: 5/12/18 - Discharge of Condition 1 of 15/00330/F: Change of use from farm building to offices with a use class of A2 and B1a

20/00191/PACU3:10/06/2020 - Prior Approval Approved Notification for Prior Approval for change of use of agricultural building to two dwellings (Schedule 2, Part 3, Class Q)

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

The Parish Council considered the application and recommends refusal. The Council when considering the application rejected any weight given by the Class Q permission as the plot is in the countryside and well outside the development boundary set by the Borough Council and therefore it has to apply a consistent approach when the site is inappropriate for the proposed development.

Further observations –

The plot proposed provides very limited amenity space for two 3 bedroom properties.

Vehicular access to the properties is over a PROW and close to a second PROW, there are concerns about maintaining a decent walking surface if there are increased vehicle movements in particular turning/reversing onto/off the site.

A new entrance onto Vong Lane is to be opened up under a previous permission, there are no details on how the existing entrance will be closed up and the access to the PROW be maintained.

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Highways Authority: NO OBJECTION - Subject to a Condition, securing sufficient access for vehicles, cyclist and pedestrians

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Environment Agency: NO OBJECTION

REPRESENTATIONS

ONE representation has been received stating the following reasons for **OBJECTION**:

- The infrastructure of the village cannot cope with new residential development
- Vong Lane is becoming a busy road and the parking at the school encroaches further up the road causing poor visibility
- Adding an additional access with cause a hazard
- The village is already host to development that is out of keeping

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

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 2019

PLANNING CONSIDERATIONS

Principle of Development

Pott Row, along with Gayton and Grimston, is identified as a Key Rural Service Centre within the Core Strategy and SADMP, however, the application site is positioned 311m outside of the defined settlement boundary for the village. The site is therefore, considered as countryside in policy terms.

Policy DM2 of the SADMP 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.

Policy CS06 seeks to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity; maintain local character and a high quality environment;; ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity. The policy also supports the conversion of existing buildings to residential and farm diversification in accordance with Policy CS10.

However, it is important to note that prior approval was granted for the change of use of an agricultural building to two dwellings in June 2020 (20/00191/PACU3). Applications under Part 3 of the GPDO allow for the change of use of certain buildings (following detailed regulations and conditions) and in the case of Class Q allows for the conversion of agricultural buildings which may be redundant for agricultural purposes into residential dwellings, which would not otherwise be permitted. Consequently, while the conversion has not yet been carried out the principle of a residential use and conversion to two dwellings has been established and is extant.

Whilst there are strict criteria within the regulations governing what can be granted approval under Class Q, Part 3 this does not preclude an application for planning permission being submitted for building works which do not fall within the scope of permitted development to be made either at the same time, or after a prior approval application in respect of the change of use of the same building.

This application does not involve building works to the existing building, but involves the demolition of the existing agricultural building and its replacement with a new building forming two dwellings which will emulate an agricultural building, albeit of a slightly different design to the existing building.

Whilst it is appreciated that the application site is located outside of the defined settlement boundary where development should be focused, it is a key material consideration that there is prior approval permission at the application site for the conversion of the existing building to two residential properties. Therefore, the applicant has a 'fall back' position should this application be refused, meaning that the existing agricultural building could be converted into two dwellings of a similar design, scale and form.

The status of a fall-back development as a material consideration is not a new concept and has been applied in court judgements such as 'Samuel Smith Old Brewery v The Secretary of State for Communities & Local Government, Selby District Council and UK Coal Mining Ltd'. This decision states that for a fall-back position to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It is also noted that 'fall back' cases tend to be very fact-specific and are a matter of planning judgement. Examples are given within the judgement where for instance there may be an old planning application which is still capable

of implementation or where it could be argued that the impact of that which was permitted development would be much the same as the impact of the development for which planning permission was being sought.

Given the above it is considered that there is a real prospect of the applicant implementing the previous prior approval (fall-back position) which is extant and has over a year to run. This is therefore considered to be a material consideration of significant weight in the determination of this application.

The current proposal whilst large, is of a similar footprint to that approved under 20/00191/PACU3 and incorporates a dual pitched roof for each property as opposed to the low, single pitched roof originally approved. The development is also set well back from the road frontage and will not appear overbearing.

Impact on Amenity

The proposed dwellings will be positioned some 127m from the nearest residential property (Vong Farn) to the south, with agricultural fields surrounding the site to the north, east and west. Whilst the properties do incorporate large amounts of glazing, particularly to the rear elevations, it is not considered that the development will create any overlooking or loss of privacy given the sufficient separation distances to other dwellings. The properties will not result in any over shadowing given the distance to the nearest property and overall will not have a detrimental impact on residential amenity and the proposal complies with policy DM15.

Design and Form

Policy DM15 states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value. The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting.

The existing building has an internal floor area of 276sqm and measures 4.3m in height, 16.1m in width and depth and is constructed from metal sheet cladding with a set of barn doors positioned on the west elevation. The proposed dwellings will be semi detached and single storey, measuring 4.1m in height, 16.1m in width and 17.1m in depth. The properties will have a combined internal floor area of 268.9msq and will be constructed from metal sheet cladding with either timber or aluminium windows and doors. Therefore, whilst the proposed properties incorporate a slightly larger footprint, they incorporate the same positioning, height, width and materials as the existing building and will appear similar to an agricultural building from the street view, subsequently appearing in keeping with the character and appearance of the area and the neighbouring barns of Vong Farm.

Highways and Parking

Vong Lane is host to two accesses with one serving Vong Farm Barn and the surrounding buildings. The second access was approved under 15/00330/F which will serve both of the new dwellings. The site also allows for a sufficient amount of parking for the proposed dwellings and will not impact on the existing parking arrangements for Vong Farm and Vong Farm Barn and therefore, complies with policy DM17. The Highways Authority have confirmed they have no objections to the proposed utilisation of the second access from Vong Lane and requested a condition securing sufficient access for vehicles, pedestrians and cyclists.

Other Material Considerations

Crime and Disorder

There are no specific crime and disorder applications associated with this application.

Contamination

The application has been supported with a screening assessment and Design and Access Statement which states no known contamination; the building is stated to have not been used to store machinery or chemicals. The barn is not thought to be made of asbestos containing materials. No potential sources of contamination have been identified by the Environmental Quality Team.

Flood Risk

The application site has been identified using the Environment Agency as being in Flood Risk Zone 1, an area which is at low probability of flooding. Therefore, a flood risk assessment has been compiled and is accompanying this application. The new hardstanding will be provided with surface water soakaways to form a sustainable drainage system and will not be connected into any existing onsite surface water system. This proposal will therefore not materially increase flows into existing systems.

CONCLUSION

Normally, the provision of two dwellings in this countryside location outside of the development boundary would not be supported in the development plan.

However, the site is host to an existing prior approval permission for the change of use of agricultural building to two dwellings. Consequently, while the conversion has not yet been carried out the principle of a residential use and conversion to two dwellings has been established and is extant. This existing permission is therefore, considered as a realistic fall-back position with a real prospect for implementation and officers consider this is of significant weight in the determination of this application.

The proposed development is considered to be of a similar scale and design as the existing building and will incorporate materials which enable the dwellings to appear as an agricultural building from the street scene. The properties will not have a detrimental impact on residential amenity, provide a sufficient amount of parking and will utilise an existing access, therefore, there are no other objections to the scheme.

As members will be aware, planning decisions have to be made in accordance with the development plan unless material considerations indicate otherwise. In this particular case, the existence of permission granted under permitted development rights, to convert the current building into two dwellings, is considered to be a material consideration which such significant weight, that it overcomes the usual policy objections to a residential scheme in this location.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:

4041-74-01 P PROPOSED PLANS & ELEVATIONS Received 17.12.2021
4041-74-02 E EXISTING PLANS & ELEVATIONS Received 17.12.2021
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access shall be constructed in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.