

Parish:	Terrington St John	
Proposal:	OUTLINE APPLICATION ALL MATTERS RESERVED: Proposed self-build development	
Location:	Land Opposite 162 And N of 1 & 2 Gambles Terrace School Road Terrington St John Norfolk PE14 7SG	
Applicant:	Mr & Mrs Fitzpatrick	
Case No:	22/00301/O (Outline Application)	
Case Officer:	Clare Harpham	Date for Determination: 21 April 2022 Extension of Time Expiry Date: 25 July 2022

Reason for Referral to Planning Committee – The application was called in to be determined at Planning Committee by Councillor Squires.

Neighbourhood Plan: No

Case Summary

Outline planning permission with all matters reserved is sought for residential development at School Road, Terrington St John. The indicative plans show three detached dwellings with an associated shared access drive.

The site lies outside the development boundary of both the Local Plan and also the Terrington St John Neighbourhood Plan which was brought into effect on 12th October 2021.

Key Issues

- Principle of Development
- Form and Character and Impact on Countryside
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application site is located to the eastern side of School Road Terrington St John, approximately 1.3km south of its junction with Main Road. The site comprises a parcel of grazing land currently being used for horses with a field shelter within the blue land to the

Planning Committee
20 July 2022

north of the application site and beyond the blue land to the rear is agricultural fields. The front roadside boundary is a mix of hedging, including hawthorn, with post and rail fencing dividing the application site up into separate paddocks. To the north and south of the site are some sporadic housing and agricultural land, with a replacement dwelling currently under construction opposite.

The proposal is for outline planning permission with all matters reserved, although the indicative plans show three detached dwellings within large plots and the design and access statement submitted with the proposal states 'up to three dwellings'.

SUPPORTING CASE

This statement supports the Outline Planning Application for residential development of up to three detached self-build dwellings of a scale commensurate with the other dwellings within the area and that a footpath will be constructed along the site frontage. The properties will each retain a paddock for equestrian use.

The proposal has no neighbour objections nor any objection from the technical consultees.

We attended a Parish Council meeting to engage with the Parish early on in the process prior to submitting the application. The Parish listened to our proposal and thanked us for our attendance, however, offered no comment on the proposals. We would reiterate the applicants intention is to contribute to the key visions within the neighbourhood plan and deliver attractive, self-sufficient, low carbon self-build properties that are set back from the road and landscaped to enhance the rural character.

The development will be self-build plots and can be linked to people on the self-build register if required, data on the council website states there are 297 people on the register as 30/10/21. The dwellings will be constructed to an A rated EPC level which is the equivalent of a net zero carbon property. We are happy to accept Planning Conditions to secure this.

The application site is located along School Road, Terrington St John on the eastern side of the highway and directly opposite the Development Area Boundary as extended by the neighbourhood plan. Terrington St John, St John's Highway and Tilney St Lawrence form a Key Rural Service Centre.

Case law in *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610 sets out that such justification for dwellings outside of defined settlement is not required provided that the proposed dwellings would not be isolated. It further states that 'isolated' should be taken in the truest sense of the word and therefore if there are other dwellings or buildings next to or around the site then the development would not be isolated and that new development in such locations can be supported on the basis that it is within a group of existing buildings. Given the context of the site, which is positioned amongst existing buildings and within an otherwise built-up frontage, the principle of the development can be supported.

Recently within the District Application 21/02287/F along Lucky Lane, Walpole St Andrew, was approved under delegated powers. The Planning Officer's report acknowledged that the scheme was against Local Policy as it was outside of the settlement boundary, however, it was "considered to comply with Paragraph 79 of the NPPF which states to support sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As the application site lies just outside of the Walpole St Andrew's development boundary, it is considered to be in a sustainable location to maintain the vitality of the village".

In addition, the Local Authority self-build action plan includes 'introducing a new policy which allows for small scale development to take place outside of development boundaries (in areas reasonably related to the relevant settlement)', and 'offering support for the owners and developers who wish to bring forward their sites for CSB purposes'.

We feel that the proposed site location being directly opposite the proposed extended village boundary would reflect the sustainability and flexibility aims of the plan, would deliver self-build plots in accordance with Local Authorities Action Plan, would be consistent with recent delegate decisions within the District and would not result in increased harm as it would effectively become an infill opportunity opposite a large scale dwelling under construction.

On this basis we respectfully request that the application is supported with the appropriate conditions.

PLANNING HISTORY

No planning history

RESPONSE TO CONSULTATION

Parish Council: OBJECT

1. The development is outside the Neighbourhood Plan boundary building area.
2. The applicants are not local and contrary to their statement there is no need for additional self-build houses in TSJ - there are however 2 currently being applied for that are within the NP boundaries. Therefore, they have no personal need to live in the village.
3. Is it for 3 or 5 self-build plots - both numbers are used in the application, and why does it say with paddocks?
4. Not able to agree with the statement that TSJ can support more development because of 'all the shops it has.'
5. The plan states that this is allowing continued equestrian use on the land, but the land does not have equestrian use permission as it is still agricultural land so DM2 is irrelevant.
6. Neighbourhood plan - section 3.6 states that in the emerging local plan there is no requirement for additional dwellings in TSJ, therefore it is not necessary to consider anything outside the neighbourhood plan boundary.
7. 4.3 the speed control is a matter for the highways authority and not planning. However, the Neighbourhood plan boundaries already influence control of this through development locations and form.
8. LP26 is for allowing small developments adjacent to existing settlements but is not intended to apply to villages with Neighbourhood Plans unless specifically stated in the plan. It is not stated in TSJ NP.
9. 5.1 and 5.11 and policy 2 size of housing showed support for 1,2 and 3 bed homes only.
10. The so-called paddocks are not fully accessible, and the case reference to Braintree district council is irrelevant, as the policy DM2 is absolutely relevant.

Highways Authority: NO OBJECTION

Having visited the site and examined the information submitted, in terms of highways considerations at this stage, I have no objections to the principle of development. At reserved matters stage an appropriate design must be submitted to demonstrate to adopted

Planning Committee
20 July 2022

standards the visibility splays, access, parking provision, turning and footway link to existing provision.

Environment Agency: NO OBJECTION

The revised Flood Risk Assessment (dated May 2022) addresses the issues previously raised. We recommend that a condition is imposed on any permission to ensure that the mitigation measures proposed in the FRA are adhered to, particularly the finished floor levels and flood resilient construction. We recommend that you consult your Emergency Planner and the IDB should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals. The site is located in an area not served by the public foul sewer and therefore a non-mains drainage system will have to serve the proposal.

Emergency Planning: NO OBJECTION

Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

Internal Drainage Board: NO OBJECTION

The applicant intends to discharge surface water to a watercourse, with no other means of drainage the site discussed. This will require land drainage consent in line with Byelaw 3 and any consent granted will be conditional in the payment of a surface water development contribution fee. It has not been indicated how treated foul water will be disposed of. If the treated water is discharged to a watercourse the proposal will require land drainage consent in line with Byelaw 3.

A Board maintained watercourse Five Mile Drain (DRN145P0501) is adjacent to the site boundary, and works are proposed within 9 metres of this drain. Therefore, consent will be required to relax Byelaw 10. Should the applicant include works which will alter the Board's adopted watercourse or a riparian watercourse, then consent will be required under Byelaw 4.

Community Safety & Neighbourhood Nuisance: NO OBJECTION

At reserved matters stage we would expect full foul and surface water drainage details to be submitted.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is for the construction of a self-build development. The applicant has provided a screening assessment stating no known contamination. We have reviewed our files and the site is on land that has not been developed for the duration of our records. The surrounding landscape is largely agricultural with some residential properties. No potential sources of contamination are identified in our records, or in the information provided by the applicant.

Natural England: NO COMMENT

Please refer to Standing Advice.

Historic Environment Service: NO OBJECTION

The proposed development site lies close to areas where field-walking has identified archaeological activity. A short distance to the south, the Fenland Survey in 1985 found a

Planning Committee
20 July 2022

concentration of medieval pottery, suggesting medieval settlement. A concentration of medieval and Roman pottery was found at the same time, a few metres to the east. More medieval material was recovered to the northwest. Medieval activity appears to have been quite dense in this area. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that conditions be applied to ensure any development is subject to a programme of archaeological mitigatory work in accordance with the National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

REPRESENTATIONS

No third party representations received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 1: Village Development Boundary

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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 issues to consider when determining this application are as follows:

- Principle of Development
- Form and Character and Impact on Countryside
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Other material considerations
- Crime and Disorder

Principle of Development

Terrington St John is categorised as a Joint Key Rural Service Centre along with St Johns Fen End and Tilney St Lawrence in Policy CS02 of the Core Strategy 2011 (CS) and therefore benefits from a settlement boundary to guide development to the most sustainable positions. This application site is outside the development boundary for Terrington St John and therefore is considered to be within the wider countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP). Policy DM2 states that areas outside development boundaries 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 in the plan. This proposal does not meet any of the requirements of these other policies. This stance is reinforced by paragraph 174 of the NPPF 2021 which recognises the intrinsic character and beauty of the countryside and supports the protection of the countryside.

Terrington St John Neighbourhood Plan came into effect in October 2021 and is the most up to date element of the development plan for this area. Within this plan consideration was given to extending the development boundary identified within the SADMPP. Policy 1: Village Development Boundary states 'The village Development Boundary is extended to the north (east of Church Rd) and to the south, on the west side of School Road as shown on Map 4. Outside the Village Development Boundary, development will only be permitted in accordance with national and Local Plan policies for development in the countryside.' Within the preamble to Policy 1 it states within para. 5.6 that 'To the south, the village extends along School Road with most development to the west of the road and some gaps with the potential for some infill development.'

The application site is located outside this Village Development Boundary on the opposite (eastern) side of School Road and the Parish Council object to residential development in this location outside the Development Boundary with no justification. Whilst in close proximity to the Neighbourhood Plan Development Boundary, it is clearly outside the Boundary, where residential development will only be permitted in accordance with national and Local Plan policies for dwellings within the countryside. Whilst the site is not physically isolated, as set out within the Braintree decision, it would result in the inappropriate residential development of an existing greenfield site, which contributes to the rural character of the eastern side of School Road (this is discussed further below). Paragraph 79 of the NPPF 2021 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Achieving sustainable development involves economic, social and environmental objectives which are mutually supportive and the residential development of this greenfield site is not considered to represent sustainable development in accordance with paragraph 79.

Within the Design and Access Statement it is stated that the plots would be available as self-build plots (it is not stated that this would be for the applicant). The Council does have a custom/self-build register and an action plan on how to assist with this form of development. The Housing and Planning Act (2016) requires Councils to grant sufficient consents to meet the demand on the register. This is monitored annually. The Borough Council has exceeded the demand every year aside from 2020-21, however the Council has a period of three years to meet the demand. The Local Plan Review includes policies to support this form of development, which will further seek to meet the likely demand. The fact that the proposed dwellings could be self-build plots is not sufficient justification to outweigh the policy approach in the recently adopted Neighbourhood Plan (Oct 2021) and the adopted Local Plan, as the Borough Council are broadly meeting the demand.

Therefore, in terms of the principle of development, the proposal is contrary to the NPPF and the adopted development plan specifically policies CS02, and CS06 of the Core Strategy 2011, policies DM2 and DM6 of the SADMPP 2016 and Policy 1 of the Terrington St John Neighbourhood Plan 2021.

Form and Character and Impact on Countryside

As stated the application site comprises a parcel of greenfield land that is currently being used as paddock land between sporadic dwellings located along the eastern side of School Road. As identified within the Terrington St John Neighbourhood Plan the western side of School Road is more developed than the east and therefore the extension to the development boundary has been limited to the western side of School Road.

The eastern side of School Road is characterised by much more sporadic development, with the undeveloped open gaps between the limited numbers of dwellings being a key characteristic of this part of Terrington St John. The site appears as part of the rural landscape. Gaps between hedgerows and trees along the front of the site allow long views across the site from School Road to the countryside beyond. The partially open nature of the site, its verdant appearance and its use as a paddock, forms part of the rural character of its surroundings and is a use common in the countryside.

Whilst indicative drawings show a group of frontage dwellings in broad accordance with the overall layout of the wider locality, the proposal would result in a development of a suburban appearance, density and character that would be at odds with the rural character of the immediate locality on this eastern side of School Road and which would be considered to have a detrimental visual impact upon the rural character and appearance of the countryside in this location contrary to paragraph 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Neighbour Amenity

The application is for outline planning permission with all matters reserved and therefore there are no detailed plans for the proposed dwellings. Given the location of the site and distance to the neighbouring dwellings it would be possible to design dwellings which would not have a detrimental impact upon neighbour amenity, both to any existing dwellings and between the proposed dwellings.

Highway Safety

The original submission included off-site speed reduction works (a traffic island), which were removed at the request of Highways and to which the Parish Council objected. In isolation such a feature is more likely to introduce a localised hazard that is likely to cause a greater

highway safety conflict/hazard than without. Also there was insufficient carriageway width to incorporate a traffic island in this location and it would be a collision hazard.

This proposal was therefore removed and the application assessed with regard to the access to the site only. Whilst the application is for all matters to be reserved there are no objections to the principle of the proposal from highways. At reserved matters stage full details would be required regarding the access, visibility splays, parking/turning and the footway linking the site to the existing footway provision.

Flood Risk

The application site is located within Flood Zone 3 and a tidal hazard mapping area where part of the northern end of the site could flood up to 1m and the majority of the site where the proposed dwellings are indicated could flood up to 0.5m. There are no objections from the Environment Agency with regard to the proposed flood risk mitigation, however it is for the LPA to steer development towards areas at the lowest risk of flooding. The majority of Terrington St John is within Flood Zone 3, however there are areas of Flood Zone 1 and 2 within the village, particularly along the western side of School Road closer to the junction with Main Road. Whilst there are areas within a lower flood zone, there does not seem to be any plots of a similar size and therefore the application is considered to pass the sequential test. Whilst the application may pass the sequential test it must also pass the Exception Test as identified within Table 3: Flood Risk Vulnerability and Flood Zone Compatibility table.

Paragraph 164 of the NPPF states that to pass the Exception Test it should be demonstrated that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for developments to be permitted as stated within para 165. Whilst the mitigation submitted demonstrates that the development could be made safe for its lifetime, it is not considered that the location of the proposal, outside the development boundary and within a rural landscape would provide sustainability benefits which would outweigh the flood risk and therefore the proposal fails the Exception Test.

The proposal is therefore contrary to paras. 164 and 165 of the NPPF 2021 and Policy CS08 of the Core Strategy 2011.

Other material considerations

It was not considered that an ecology survey was necessary with this application given the current site conditions as paddock land in line with Natural England's standing advice.

There were no objections to the proposal on the basis of land contamination.

Comments from the IDB state that consent would be required from the Board to alter the access to the site which lies across a Board maintained drain (Byelaw 4), in addition any works within 9m of this drain will require a relaxation of Byelaw 10. Discharging water to an existing watercourse as indicated within the application form would require consent under Byelaw 3. Consequently in line with this and comments from CSNN full details of foul and surface water drainage would be required by condition should the application be approved.

The Historic Environment Service has requested pre-commencement conditions relating to archaeology should the proposal be approved, as the site is close to where Medieval and

Roman pottery has been found and in an area where Medieval activity has been found to be quite dense.

The provision of an additional three dwellings could provide additional funds through the community infrastructure levy (CIL), however it should be noted that the agent has indicated that the development would be for self-build dwellings which are exempt from the community infrastructure levy unless sold within a prescribed time period.

Crime and Disorder

There are no specific crime and disorder issues arising from this proposed development.

CONCLUSION

The application site is outside the development boundary as identified within the SADMPP 2016 and the more recently adopted Terrington St John Neighbourhood Plan 2021. The development is not considered to represent sustainable development as identified within para 79 of the NPPF 2021 and it is considered it would erode the rural character of the eastern side of School Road and thus have a detrimental visual impact upon the locality. The application is also considered fail the Exception Test as it is not considered that there are sustainability benefits to the proposal that would outweigh its location in an area of high flood risk.

The application is considered to be contrary to the principles of the NPPF, Policies CS01, CS02, CS06 and CS08 of the Core Strategy 2021, Policies DM2 and DM15 of the SADMPP 2016 and contrary to Policy 1 of the Terrington St Clement Neighbourhood Plan 2021 and as such Members are recommended to refuse the application.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site lies outside of the development boundary for Terrington St John as identified by both the Site Allocations and Development Management Policies Plan 2016 and the Terrington St John Neighbourhood Plan 2021, where development is restricted to that identified as sustainable in rural areas. The proposal constitutes the inappropriate residential development of a greenfield site in the countryside for the purposes of Policy DM2 of the SADMPP 2016 and the provision of additional dwellings in this location will not promote sustainable development or enhance or maintain the vitality of the rural community in accordance with Paragraph 79 of the NPPF 2021 due to its detrimental visual impact upon the character and appearance of the countryside. The development is therefore considered contrary to the overarching aims of the NPPF 2021, Policies CS01, CS02, CS06 and CS08 of the Core Strategy 2011, Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 and Policy 1 of the Terrington St John Neighbourhood Plan 2021.
- 2 The eastern side of School Road is characterised by sporadic development, with the undeveloped gaps between the limited numbers of dwellings being a key characteristic of this part of Terrington St John. The proposal would result in a development of a suburban appearance, density and character that would be at odds with the rural character and appearance of the immediate locality on this eastern side of School Road. The proposal would have a detrimental visual impact upon the rural character

and appearance of the countryside in this location contrary to paragraph 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

- 3 The application site falls within Flood Zone 3 of the Strategic Flood Risk Assessment 2018 and passes the sequential test; therefore the exception test is required. The proposal does not represent development where the sustainability benefits outweigh the flood risk and therefore the Exception Test is failed. The proposed development is therefore contrary to paras. 164 and 165 of the NPPF 2021 and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.