

AGENDA ITEM NO. 9/2(a)

Parish:	Clenchwarton	
Proposal:	Proposed conversion of garage to business use (Class E)	
Location:	Land And Buildings SE of 15 Wildfields Road Clenchwarton Norfolk	
Applicant:	Mrs S Adams	
Case No:	24/00385/CU (Change of Use Application)	
Case Officer:	Kirsten Jeavons	Date for Determination: 6 May 2024 Extension of Time Expiry Date: 8 July 2024

Reason for Referral to Planning Committee – Officers recommendation is contrary to the views of the Parish council, and the application has been referred by Sifting Panel.

Neighbourhood Plan: No

Case Summary

Planning Permission is sought for the retrospective change of use from a Garage to Class E (Business Use).

The application site is located outside of the Development boundary of Clenchwarton, as identified by Inset Map G25 within the adopted Site Allocations and Development Management Plan (SADMPP 2016), however is located approx. 800m from the settlement boundary and the area surrounding is built up. Wildfields Road is located to the north of Main Road, Clenchwarton.

The application site consists of a detached, single storey, red brick garage, detached timber shed and barn and 4 green metal storage containers.

The garage is currently used as an office, design studio and storage accommodation for RESCA Activewear, which currently sells fitness clothing online.

The red line of the application site has been amended during the course of this application to restrict as well as better reflect the scale of the business on site.

Key Issues

Principle of development
Form and character
Impact on neighbour amenity
Highway safety
Other material considerations

Recommendation

APPROVE

**Planning Committee
01 July 2024**

THE APPLICATION

The application site is located outside of the development boundary of Clenchwarton, however is located approx. 800m from the settlement boundary.

The site is located to the east of Wildfields Road and the road is primarily made up of a mix of dwellings of different sizes and styles and countryside.

Planning Permission is sought for the retrospective change of use from a former domestic garage to Class E (Business Use).

The application has been amended during the course of this application to reduce the red line significantly, to finish at the rear of the existing buildings. The reduction of the red line was requested to mitigate the possibility of a large-scale business on site, as well as better reflecting the situation with other buildings on the site.

SUPPORTING CASE

Summarised as follows:

- This application seeks the change of use of the exiting domestic garage formerly associated with 15 Wildfields Road, Clenchwarton to a Class E (g) use.
- This application is the culmination of a number of changes in circumstance which have impacted on the applicant following the untimely passing of her husband. Following this Mrs Adams was not able to keep the property once funds ran out and she sold the house in in 2023. However, as the garage was used for domestic storage at the time and to house some of her pet animals the garage was not sold with the house (No15) and is in separate title and still belongs to Mrs Adams.
- Mrs Adams would like to utilise the building for office and ancillary story use which is class E9(g) in the new use classes order. She intends to run her businesses and undertake her charitable work from the application building.
- The applicant recently bought RESCA Activewear' business- which is essentially an online sports clothing design and retailer.
- Mrs Adams is committed to the community in Clenchwarton and is involved in the (FOV) which organises:
 1. Tea parties in the park.
 2. Queens Platinum Jubilee.
 3. The Kings Coronation party.
 4. Mid December Christmas Tree Carole Service, where Santa gives out free presents.
 5. 5. Father Christmas / Santa Run.
 6. 6. Christmas Eve chocolate distribution
- The application building will be used as office, design studio and storage accommodation for this growing operation. No external alterations are proposed to the building and the use will not impact on local visual amenity.
- The garage is an existing building - currently without a lawful use as it has been severed from the curtilage of No15.

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- In terms of operation Class E uses are by definition capable of being operation in a residential area without detriment to amenity and the low-key office and ancillary storage use proposed will have minimal impact on the residential amenity of adjacent properties. It will be used by a max of 2 people- the applicant and her sister, such that it does not create a material impact on the local highway network. There is adequate onsite parking and turning for 2 vehicles as shown on the layout plan. Deliveries to the site will be minimal (one van per week) and outgoing goods are posted by the applicant from the local post office.
- Also planning conditions were agreed for working hours and for specific use of (g)(i) 'an office to carry out any operational or administrative tasks' within Class E. This being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- It is therefore considered that the proposed change of use is consistent with material planning policy at both local and national levels. In addition, it will not have any adverse impact on local amenity or the local highway network. The use is in a low vulnerability category to flood risk as it poses no material harm to occupants.
- The Parish Council objected to the proposal siting the garage was being used for human occupation, we would like to confirm that the garage is only being used for business operations and not a separate dwelling.
- There are no technical consultee objections including Highways which have supported the application and the site has a separate planning approval for access (Ref: 23/01206/F).
- There will be no customers movements to the site/building as the business is purely online retail, so any vehicle movements will only be the applicants to and from site.
- A local Councillor also submitted objection comments siting 10 points around, highways, access, change of use, previous applications for residential and these have been addressed within this statement and during the planning process in conjunction with the planning officer.
- The company Resca is a registered limited company with Companies House, company number 14782208 and the applicant is the sole director. The company's website and online shop can be visited at <https://resca.co.uk/>.

PLANNING HISTORY

23/01400/F: Application Refused: 09/10/23 - Conversion of Garage to Dwelling (retrospective) plus proposed first floor extension to create room in the roof living accommodation - Land South of 15 Wildfields Road.

23/01206/F: Application Permitted: 15/01/24 - Creation of Access (retrospective) - Land South of 15 Wildfields Road, Clenchwarton.

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

Recommend refusal because the application is not correct to start with as the garage is no longer a garage and is being used for human occupation, so the application is invalid. A previous application for it to be used for a dwelling has been refused. Concerns about the possible increase of traffic as a result of the change of use on a little track road with no pavement.

Highways Authority: NO OBJECTIONS

I observe from the Design and Access Statement that the building is proposed to be staffed by 2 members only and that deliveries are around 1 van per week. At such scale and having visited the site I would be of the view that the associated low level of traffic could be safely accommodated, and we would not recommend an objection to that principle. But being mindful that Wildfields Road is narrow in parts and without safe pedestrian provision, we would recommend that the scale of the business be conditioned accordingly, to as to maintain the principle of a two staff business and low traffic generator.

CSNN: NO OBJECTIONS

No objection, based on the contents of the Planning, Design and Access Statement, and subject to conditions related to the use class, number of employees and deliveries, hours and waste and recycling facilities.

- Please note the current 'domestic' waste and recycling will not be permitted for a commercial venture. A commercial waste collection contract will be required.

REPRESENTATIONS

NO THIRD PARTY comments have been received.

Councillor Steven Bearshaw, Comments are summarised as follows:

- Wildfields is a single-track lane not suitable for business traffic. The land could be used for any size of business and is located outside the development boundary.
- No street paths for pedestrians.
- No sufficient turning space for deliveries and customers, blocking the lane while parking and reversing out of the site.
- The applicants don't have the right to cut back the neighbour's hedge and the visibility in and out of the business is completely blind.
- The existing garage has been converted into living accommodation, showing that the garage has been converted to a dwelling. The cars parked on the drive, with reports of a resident living at the address, would imply that the application should be a conversion from a dwelling and not a garage.
- Previous application 23/01400/F was rightly refused on various grounds and should be taken into consideration as part of this application.
- Outside the development boundary.
- Village suffers from flooding and the dyke holds a significant amount of water.
- Concerns about the relocating of telegraph and electric poles.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM2 – Development Boundaries

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development

Form and character

Impact on neighbour amenity

Highway safety

Flood risk

Any other matters requiring consideration prior to determination of the application.

Principle of Development:

The application is a retrospective application for the change of use from a Garage to Class E (Business Use) at Land SE of 15 Wildfields Road, Clenchwarton. The site currently consists of a detached, single storey, red brick garage, detached timber shed and barn and green metal storage containers. The garage is currently used as an office, design studio and storage accommodation for RESCA Activewear (an online company selling fitness clothing). The storage containers on site are used to store goods relating to the business and charitable events which the applicant is involved and take place within the village of Clenchwarton.

The application site is located outside of the development boundary of Clenchwarton, as identified by Inset Map G25 within the adopted Site Allocations and Development Management Plan (SADMPP 2016), however is located close to the settlement boundary and main part of the village. Wildfields Road is located to the north of Main Road, Clenchwarton.

The existing garage was converted to living facilities while the adjacent neighbouring dwelling (15 Wildfields Road) was under the applicant's ownership. The applicant sold No.15 in 2023, however this sale did not include the garage and the land shown by the red and blue line on the Location Plan. Following the selling of No.15, a planning application (ref

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24/01400/F) was submitted for the conversion of the garage to a dwelling, which was refused and following the refusal, the garage has been converted and used for business/storage purposes.

Policy DM2 of the SADMPP 2016 states that small scale employment development outside of the development boundary will need to be analysed against and comply with Policy CS10 of the Core Strategy 2011.

Policy CS10 states that the council will support rural employment exception sites located within the countryside if they satisfy the following criteria:

- It should be appropriate in size and scale to the local area;
- It should be adjacent to the settlement;
- The proposed development and use will not be detrimental to the local environment or local residents.

Paragraph 88 and 89 of the NPPF 2023 states:

Planning policies and decisions should enable:

- The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.
- Should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.

The garage is an existing, single storey building and is considered to be appropriate in size and scale to the local area. Although the application site is located outside of the Clenchwarton Development Boundary, it is located within the wider village. The proposed use and its impacts are discussed below.

The red line has been reduced during the course of the application process. The line has been reduced to finish at the rear of the existing building and along the side of the relocated storage containers. The reduction in the proposal site, reduces the space available to extend and expand the business building and therefore ensures that a small-scale business onsite can be suitably controlled. There is an existing barn located to the south of the existing garage/ office building. The barn is used to keep pet birds (geese and chickens) on site and has been removed from the red line as the use of building is not associated with the proposed business use.

There are currently 4 storage containers on site which are used to store goods relating to the business and charity events which the applicant is involved in. Two of the containers are currently situated at the rear of the application site, shown by the blue line on the location plan and the other two storage containers are currently situated at the front of the application site. The storage containers at the front of the application site are to be relocated behind the existing 1.8m closed board fencing, running along the front (west) boundary and the storage containers located in the red line will be used for storage purposes in connection with the business and the charity events only.

Overall, for the reasons stated above the proposal is considered acceptable in principle. Other detailed impacts are set out below.

Form and Character:

No material changes or external alterations have been proposed to the garage. The existing storage containers at the front of the garage would be moved behind the existing 1.8m closed board fencing as shown on drawing number 6697/PL21 (Site Plan) to mitigate harmful visual impact of the containers and therefore it is considered that the proposal would not cause detrimental harm to the visual amenity of the street scene and character of the area.

Impact on Neighbour Amenity:

The proposal would not include any alterations to the size, scale and design of the garage/business building and therefore would not cause any increase in impact from overbearing, overlooking and overshadowing to the neighbouring dwellings.

The business is a small-scale business and conditions will restrict the use class, operation hours and permitted development rights will be removed to mitigate any detrimental impact to the amenity of the surrounding neighbours.

The hours of use for the business would be restricted to 09:00 - 17:00 Monday to Friday and 09:00 - 13:00 Saturdays only, with no business use on Sundays, Bank or Public Holidays. These hours have been agreed with the applicant and have been conditioned because the business would be in a residential area and the restricted hours would mitigate any adverse effect on neighbour amenity in accordance with Policy DM15.

The impact on neighbours is therefore considered to be acceptable and would be in accordance with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

No objections have been received from the neighbours.

Highway Safety:

The application site is located down Wildfields Road, which is a single-track road without a pedestrian foot path. Highways were consulted on this application, and following a site visit, the highways officer commented that with the business being a small-scale business, with the Design and Access Statement stating the business will be staffed by 2 members and have approximately 1 delivery van per week, a low level of traffic would be generated and could be safely accommodated. It was recommended that use could therefore be suitable controlled by conditions.

The permission would be conditioned to ensure the application site is limited to a small-scale business, through restricting the use class and removing permitted development rights to ensure that the Local Planning Authority had some control should the business want to expand in this predominantly residential area. Planning permission would therefore be required to extend or alter the building and change between the Use Classes, which could result in an increase in the level of traffic. Following a discussion with the highways officer, they are satisfied that the conditions proposed could ensure that a low level of traffic is generated as a result of the change of use and have no objections on highway grounds.

No customers would be visiting the application site and the applicants take outgoing goods to the local post office instead of them being collected from site.

The application site provides adequate space for staff to park and small delivery vans to stop and manoeuvre at the front of the building (west of the application site).

It is therefore considered that the proposal would not materially impact on highway safety and would be acceptable and comply with the NPPF (2023), Policies CS08, CS11 and DM15 of the Local Plans.

Flood Risk:

The application site is located in Flood Zone 3, however the business use is acceptable in principle. The applicants have provided a flood risk assessment which covers flood risk mitigation, and it is recommended that the occupiers sign up to the Environment Agency flood warning system and prepare a flood evacuation plan.

Specific comments and issues:

To answer the remaining specific comments received from the Parish Council and Cllr Bearshaw, and that are not otherwise covered in the report, the following comments are made:

- The existing garage was never permitted to be used as living accommodation and therefore the description for the proposal being the change of use from a garage is correct and valid.
- The previous refusal is for a different use, and of little relevance to the consideration of this application.
- The red line for the proposal has been reduced significantly to finish at the rear of the existing building and the use Class will be conditioned to Class E (g)(i) only to safeguard a potential future larger-scale business onsite.
- If approved, conditions controlling hours of operation, specific use class and removal of permitted development rights have been recommended to protect neighbour amenity and to comply with the Highways and CSNN recommendations.
- The business is registered on company house, the applicant's intention is, if approval is granted for the application site to apply for a formal postal address and that the registered office address will be transferred to the new application site address.
- Although Wildfields Road is a single-track road, the business is considered to be a small-scale business which generates a low level of traffic. The application site provides adequate parking space for the employees and for small delivery vans to stop and manoeuvre. Furthermore, conditions have been proposed to ensure the level of traffic remains low and would not detrimentally impact neighbour's amenity. Although the application site is located outside of the development boundary, it is located within the wider village, and main part of this linear village, and is therefore acceptable in principle considering policy CS10.
- Other comments made regarding the neighbour's hedge, cars on site, dyke flooding and telegraph/ electric poles are not planning considerations related to this proposal.

CONCLUSION:

The change of use from a garage to a business (Class E), including the land surrounding it within the red line, is considered to be acceptable in principle and supported with the NPPF 2023 and Local Plan policy.

Although the application site is located outside of the development boundary of Clenchwarton, the site is located within the wider village, as per Core Strategy policy CS10's requirements. The building is an existing, single storey building, which is appropriate in size and scale to the local area and no amendments to the position, height, width and depth of the building have been proposed.

The proposed use would be restricted to Class E (g)(i) - an office to carry out operational or administrative functions only and the business is considered to be a small-scale business, with only two employees and no customers visiting the site, it is therefore considered that the business would not be detrimental to the local environment or local residents. The nature of the business is also such that it is unlikely to cause disamenity to neighbours. Additional conditions, restricting operational hours and removing permitted development rights would ensure that the Local Planning Authority can control the development, protecting the amenity of residential neighbours going forward.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, Drawing numbers:

6697/EX20B - EXISTING DRAWING 1 (Received 18/06/24)

6697/PL22A - PLANNING DRAWING 2 (Received 11/03/24)

6697/PL21 - PLANNING DRAWING 1 (PROPOSED SITE PLAN) (Received 11/03/24)

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The building and associated site shall be used for the purposes of Class E (g)(i) only, (i.e. excluding a, b, c d, e, f, g(ii), g(iii)) as defined within the Town and Country Planning (Use Classes) (Amendment) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.
- 2 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above mentioned Order would be detrimental to the parking requirements and amenities of the locality.
- 3 Condition: Notwithstanding the provisions of Class F of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the office building (Class F) shall be allowed without the granting of specific planning permission.
- 3 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order in accordance with Policy DM15 of the SADMPP 2016 and the NPPF.
- 4 Condition: The hours of use/ business shall be restricted to 09:00 - 17:00 Monday to Friday and 09:00 - 13:00 Saturdays only, with no use on Sundays, Bank or Public Holidays.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

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- 5 Condition: Within 6 months of the change of use development hereby permitted, facilities shall be provided within the curtilage of the site for the storage and disposal of commercial waste materials, in accordance with a scheme which shall have been previously approved by the Local Planning Authority.
- 5 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 6 Condition: Within 6 months of the change of use development being permitted, the two existing storage containers at front of the application site (located within the red line) must be relocated in accordance with the approved plans (drawing number 6697/PL21 Site Plan).
- 6 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 7 Condition: No display or storage of goods associated with the business hereby permitted, shall take place outside any building(s) on the site.
- 7 Reason: In the interests of the amenities of the locality in accordance with the NPPF.