

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

4 NOVEMBER 2015

DEV/FH/15/045

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/1030/FUL – NEW BUNGALOW, WEST
SUFFOLK GOLF CENTRE, NEW ROAD, BECK ROW**

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

Case Officer: Sarah Drane
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Risk Assessment Report

Date: 31.07.2015 **Expiry Date:** 25.09.2015
Registered: (extended to 5.11.15)

Case Officer: Sarah Drane **Recommendation:** Refuse

Parish: Beck Row **Ward:** Eriswell & The Rows

Proposal: Planning Application - proposed dwelling to replace temporary mobile home

Site: New Bungalow, West Suffolk Golf Centre, New Road, Beck Row

Applicant: R D Nixon, T R Nixon & Mrs A Nixon

Background:

This application was deferred at Development Control Committee on 7 October 2015 as Members were 'Minded to Approve' the application. This Risk Assessment report assesses any potential implications of such a decision.

This matter had originally been referred to Development Control Committee following consideration by the Delegation Panel.

The previous Officer report for the October 2015 Development Control Committee meeting is attached at Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.

The Officer recommendation remains one of REFUSAL.

Application details:

1. See the committee report attached at Working Paper 1. This is the report that was presented to Members at the October Development Control Committee. Members are directed to this report in relation to the description of development, site description, summary of representation received etc.

Officer Comment:

2. The importance of the proper basis for reaching a decision on planning applications is set out under the heading 'Material Planning Considerations' which is at the front of every Development Committee agenda and Members are particularly referred to it in this case.
3. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted Development Plan, unless material planning considerations indicate otherwise. Central Government planning policy and advice contained in the NPPF constitute material planning considerations in the determination of planning applications and should be taken fully into account.
4. An applicant who proposes a development which is clearly in conflict with the development plan or national planning policy guidance, needs to demonstrate why the plan should not prevail, and also identify compelling reasons why the normal policy requirements should be set aside. If planning permission is granted in the absence of such supporting information, adopted development plan policies will be undermined, and decisions made in an inconsistent and arbitrary manner. This will impact on the confidence that the public have regarding development proposals, the planning process and the decision-making regime.
5. Paragraph 55 of the NPPF states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. It goes on to list these, the first of which is relevant in this case. It states '*the essential need for a rural worker to live permanently at or near their place of work in the countryside*'. The Joint Development Management Policies Document does not use the same terminology in policy DM26, instead it refers to exceptions only being made in relation to 'agricultural, forestry and other commercial equine business-related uses'. Although the policy does not extend the wording to include rurally based enterprises it does use this terminology in paragraph 5.14. It is concluded from this that DM26 was intended to be applied more flexibly, covering a range of rural workers with an essential need to live at or near their work in the countryside. It is therefore considered the provision of a green keepers cottage complies with this part of the NPPF.
6. However, as set out within the previous month's committee report, it has been assessed that this rurally based enterprise does not require more than the two dwellings (that it has at present) to operate effectively. These two dwellings exist in the form of the existing farmhouse and a staff bungalow. The proposal does not satisfy criteria b of DM26 as there are already 2 workers dwellings serving the essential operational needs of the golf course and there is no justification for a further one. The proposal does not therefore meet the requirements of policy DM26. It is your officers' firm view therefore that no justification can be evidenced for this further dwelling.

7. Any proposed new dwelling in the Countryside would be subject to detailed scrutiny and would need to show compliance with the abovementioned policies within the Local Plan. The applicant has also failed to produce any case as to why these policy considerations should be set aside in this instance. It remains your Officers' firm opinion that in this case, the proposed development fails to comply with the NPPF and this Council's own, recently adopted, local development plan policies in the form of DM2, DM5, DM13, DM26 and DM27 of the Joint Development Management Policies Document and CS3 and CS10 of the Core Strategy.

Risk Assessment:

8. If Members remain minded to approve the application, then they must be satisfied that the proposed development will not harm interests of acknowledged importance. In this instance, such interests relate to the principle of protecting the countryside for its own sake. DM26 and the guidance contained within the NPPF makes it clear that in relation to proposals such as this it must be the needs of the enterprise which are considered, not the personal preferences of individuals involved. Whilst every application must be dealt with on its own merits, there is a risk that in approving this development within the rural area without special planning justification similar situations will arise and there will be pressure for the decision repeated in the future, therefore setting an undesirable precedent.
9. If the Council as the Local Planning Authority is to be consistent then all applications should be assessed in accordance with the requirements of relevant policy. The appropriate level of required information to support the application should be provided or sought (were not provided) in all cases so all decisions can be made in relation to adopted planning policy and other relevant material considerations. If this application is approved in the absence of sufficient justification, then there is significant risk that other proposals will come forward for dwellings on other rurally based enterprises in the countryside, in the expectation that they will be looked upon favourably without the submission of a robust assessment of need.
10. The impact of such decisions would be critical to the effectiveness of the adopted development plan and visually the effect of that would be a considerable change in the appearance and character of the rural area; an erosion of the sustainability of Forest Heath District and an adverse impact on the reputation of the Council.

Conclusion:

11. As a point of detail as well as in principle, the proposal remains unacceptable and it is recommended that planning permission be refused. The proposal fails to comply with adopted Local Plan policies and national planning policy guidance.
12. However should Members remain of the opinion that the proposal is acceptable it is recommended that the following conditions be imposed:

1. Time limit
2. Compliance with approved plans
3. Parking and turning to be provided and retained
4. Hard and soft landscaping details to be submitted and agreed
5. Boundary treatment details to be submitted and agreed
6. Materials to be submitted and agreed
7. Occupation of bungalow to be tied to anyone employed at the golf course with an essential need to live on site, such as a green keepers

Recommendation:

13. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that any functional need at this site could not be catered for by either of the existing dwellings already on the site, or by any other existing dwellings in the vicinity. Accordingly the proposal is unacceptable as a matter of principle and is contrary to the requirements of policies DM5, DM26 and DM27 of the Joint Development Management Policies Document 2015 and policy CS10 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.
2. The siting of a dwelling in this rural area remote from either existing properties or buildings is considered to be prejudicial to the open and rural visual amenities of the area. Accordingly, the proposal fails to meet the requirements of policy DM2 of the Joint Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NONEPHPD02M00>