

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

2 NOVEMBER 2016

DEV/FH/16/036

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/1629/FUL - PROPOSED NEW DWELLING AT
CUPOLA FARM, UNDLEY**

Synopsis:

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

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Committee Report

Date	11/08/2016	Expiry Date:	06/10/2016
Registered:		Extension of time:	07/11/2016
Case Officer:	Matthew Gee	Recommendation:	Refuse
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Planning Application DC/16/1629/FUL - (i) 1no. detached dwelling and (ii) two bay cart lodge		
Site:	Proposed New Dwelling at Cupola Farm, Undley		
Applicant:	Mr Jonathan Waters		

Background:

This application is referred to the Development Control Committee because the applicant is a relation to a Member of the Council.

Proposal:

1. Planning permission is sought for:
 - i. 1no. detached one and half storey dwelling. The dwelling is configured in an 'L' shape. The main body of the dwelling measures 17.9m wide, 7.8m deep, 3m to the eaves, and 7.2m in height. The rear element measures 6.2m wide, 5.2m deep, 3m to the eaves and 6.3m in height.
 - ii. Detached two bay cart lodge measuring 6.1m wide, 5.4m deep, 2.2 to the eaves and 4.7m in height.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Location Plan
 - Proposed Block Plan, Elevations, and Floorplan.
 - Proposed Cart Lodge Floorplan and Elevations.
 - Design, Access and Planning Statement

Site Details:

3. The site is situated outside of a defined settlement boundary, and currently comprises of an arable farm and paddocks covering an area of 12.89 hectares, with associated two storey dwelling located at the entrance of the site. To the north of the dwelling are a set of outbuildings and the 'former farmhouse' (which is not occupied) for the holding.

Planning History:

4. F/78/651 – Outline Application: Erection of agricultural dwelling – Approved with conditions
5. F/80/803 – Reserved Matters Application: Agricultural dwelling and access – Approved with conditions

Consultations:

6. Public Health and Housing: No Comments
7. Environment Agency: No Objection
8. Highway Authority: Does not wish to restrict the grant of permission. The site is set back from the highway and accessed via a private road and has enough room for parking which meets SCC requirements.
9. Environmental Team: No Objection

Representations:

10. Parish Council: No Comments received
11. Cupola Farm: Objects to the application on the grounds that application F/78/651 restricted the site to 1 no. dwelling, and a Section 52 agreement was signed removing residential rights from the 'derelict' farmhouse to the north of the proposal. In addition, they object as the farm already has a dwelling on the site used for the running of the farm and that there is no justification for another.

Policy: The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy (2010) have been taken into account in the consideration of this application:

12. Joint Development Management Policies Document:
 - Policy DM1: Presumption in Favour of Sustainable Development.
 - Policy DM2: Creating Places – Development Principles and Local Distinctiveness
 - Policy DM5: Development in the Countryside
 - Policy DM7: Sustainable Design and Construction
 - Policy DM22: Residential Design
 - Policy DM26: Agricultural and Essential Workers Dwellings
 - Policy DM27: Housing in the Countryside
 - Policy DM46: Parking Standards
13. Forest Heath Core Strategy (2010):
 - Policy CS1: Spatial Strategy
 - Policy CS3: Landscape Character and the Historic Environment
 - Policy CS5: Design Quality and Local Distinctiveness
 - Policy CS10: Sustainable rural communities

Other Planning Policy:

14. National Planning Policy Framework (2012)

Officer Comment:

15. The issues to be considered in the determination of the application are:

- Principle of Development
- Design, character and residential amenity
- Parking and highways
- Flood and drainage
- Contamination
- Biodiversity

Principle of development

16. The proposed development site is located outside of any defined settlement boundary, and as such, for the purposes of this application it is development within the countryside. Proposals for dwellings located outside of a defined settlement boundary are required to adhere to policy DM5 of the Joint Development Management Policies Documents. This policy sets out a number of criteria that must be met in order for a dwelling in the countryside to be acceptable.

17. The applicant has advised that the proposed dwelling is for an agricultural worker to assist in the running of the farm. Policy DM5 states that proposals for '*a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business*' will be permitted, subject to it being in accordance with the requirements of Policy DM26.

18. Policy DM26 requires that New dwellings in the countryside, related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

- a) Evidence has been submitted to the satisfaction of the local planning authority that there is an existing agricultural, forestry or other commercial equine business-related functional need for a full time worker in that location;
- b) There are no suitable alternative dwellings available, or which could be made available, in the locality to serve the identified functional need;
- c) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;
- d) The size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned;
- e) The development is not intrusive in the countryside, is designed to have a satisfactory impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.

19. The information submitted with the application states that the proposed dwelling is required to improve 'the running of the farm land and yard'. Cupola Farm has an existing agricultural workers dwelling, located at the entrance of the site, and is currently occupied by the tenants of the Farm. No evidence has been supplied to the Council to demonstrate there is a 'function need' for the dwelling. The current tenants have objected to the application and stated that they believe no additional dwelling is required for the operation of the farm. As such it is considered that the proposal fails to comply with criteria 'a' of DM26.
20. The site also includes a number of outbuildings and an 'existing farm house' (which is unoccupied). The applicant has advised that the outbuildings are required to accompany the use of the land. The site includes the current dwelling which was granted permission under application F/78/651 and F/80/803. Permission for this dwelling was given on the basis that the former farmhouse was relinquished of its residential rights; this was conditioned as part of these applications and secured through a section 52 agreement.
21. Whilst the conversion of the existing outbuildings is unlikely to be suitable, no information has been received advising the unsuitability of the existing dwelling on the site. Given these points it is considered that the proposal fails to comply with criteria 'b' of Policy DM26.
22. No case has been made that demonstrates that the enterprise is a viable business with secure future prospects. As such the proposal fails to adhere to criteria 'c' of Policy DM26.
23. As previously stated there is a lack of information in regards to the need for such a dwelling. Given this lack of information it is not possible to assess whether the proposed dwelling is of a size and nature that is commensurate with the needs of the enterprise concerned. As such the proposal fails to adhere to criteria 'd' of Policy DM26.
24. Criteria 'e' will be assessed under the Design and Form section of this report.
25. Policy DM5 also considers other scenarios for new dwellings in the countryside. It states that proposals for dwellings located outside of a defined settlement boundary will be permitted if they consist of a "small scale residential development of a small undeveloped plot, in accordance with policy DM27".
26. The proposed site is located along a private farm lane, and is currently undeveloped farm land. It is not considered that the site is a small undeveloped plot that would accord with policy DM5. Policy DM27 also requires that:
 - a) The development is within a closely knit 'cluster' of 10 or more dwellings adjacent to or fronting an existing highway.
 - b) The scale of development consists of infilling a small undeveloped plot by one dwelling or a pair or semi-detached dwellings commensurate with the scale and character of the existing dwellings within an

otherwise continuous built up frontage.

The proposed dwelling will be located close to one other dwelling, as such it is not considered that the proposal is located within a close knit cluster. The proposal is not adjacent to or fronting an existing highway, and does not involve the filling in of a small undeveloped plot. Given these points it is considered that the proposal fails to adhere to criteria 'f' of Policy DM5 and the criteria of Policy DM27. It can only therefore be concluded that the proposal is not an appropriate or suitable new dwelling in the countryside.

27. Policy DM5 also allows the replacement of an existing dwelling on a one for one basis where it can be demonstrated that:

- i. The proposed replacement dwelling respects the scale, and floor area of the existing dwelling, and,
- ii. The curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM25.

The applicant has not stated that the proposed dwelling is a replacement for the existing dwelling on the site. As previously stated the former farmhouse had its residential rights relinquished following the approval of replacement dwelling under application F/78/651. Given this point it is considered that the proposal fails to adhere to criteria 'g' of the policy.

28. As identified in the previous paragraphs a dwelling can be built in the countryside subject to adhering to the criteria set out within the relevant policies. However the lack of information included within this application means that it is not possible to for it to be argued that the dwelling is for the benefit of or need of this agricultural operation (in accordance with DM26), a replacement dwelling (in accordance with DM5) or a small scale new development (in accordance with DM27). Given the failure of the proposal to meet any of these policies, it is not considered that the principle of development is acceptable.

Design, character and residential amenity

29. Policy DM2, DM22 and CS5, all seek to ensure that proposed dwellings respect the character and appearance of the surrounding area. The proposed dwelling is one and half stories, and 'L' shaped in configuration. The dwelling is of a simple design and uses materials that are sympathetic to the surrounding area. Given these points it is considered that the proposed scale and design comply with the relevant policies noted above. In addition, the curtilage of the dwelling is commensurate in size to nearby dwellings. It is therefore considered that the proposed design and form of the dwelling is acceptable and complies with the relevant policies.

30. Notwithstanding the above, it is noted that Policy DM26 requires that any proposed dwelling required for a key agricultural worker, be commensurate with the needs of the enterprise concerned. Given the lack of detail in relation to the need of the proposed dwelling, it is not possible to assess if the proposed dwelling is of a suitable scale. As such the proposal fails to adhere to criteria 'd' of Policy DM26.

31. Policy DM2 also seeks to ensure that proposed development does not result in any adverse impact on residential amenities of neighbouring residents. It is considered that there is sufficient distance between the proposed dwelling and the neighbouring dwelling that the proposal will not result in any adverse impact in terms of overlooking or loss of light.

Parking and highways

32. Policy DM2 seeks to ensure that proposed development does not have an adverse impact on the safety of Highway users. The Highways Authority have assessed the proposal and confirmed that it would not result in safety concerns.

33. Policy DM46 seeks to ensure that proposed new dwellings have an adequate provision of onsite parking in order to avoid possible parking issues and safety concerns. A four bedroom dwelling such as the one proposed requires 3 on site parking spaces. It is considered that there is sufficient parking area to accommodate the parking of 3 vehicles within the curtilage of the proposed dwelling. The proposals in this respect are considered acceptable.

Flood and drainage

34. The Environment Agency have raised no objection to the proposals and it is considered that suitable surface water drainage arrangements could be put in place. The site is within flood zone 1 which is low risk.

Contamination

35. The Environmental Team is satisfied that the risk from contaminated land is low. The team have advised that if contamination is encountered which has not previously been identified then it would be in the best interests of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Biodiversity

36. The proposal site is not located within any designated nature conservation sites or interests, and does not involve the loss of any hedgerow or foliage. As such it is considered that the proposal will not result in any risk to biodiversity and as such is acceptable.

Conclusion:

37. In conclusion, the lack of information submitted with the application means that the principle of such a dwelling within the countryside is not acceptable. Whilst the proposal is acceptable in relation to other aspects such as design and highways impact, it is not considered that this is

sufficient to outweigh the harm in principle of such a development. As such it is recommended that the proposal be refused.

Recommendation:

38. It is recommended that planning permission be **REFUSED** for the following reason:

1. The proposal does not provide sufficient justification to meet the criteria contained within policies DM5, DM26 and DM27 of the Joint Development Management Policies Documents. The applicant has not demonstrated that there is an overriding case for the development in this countryside location and there is no evidence that it is required to accommodate key personnel employed in agriculture, horticulture or forestry. Furthermore, even if such a need were shown to exist, the Local Planning Authority does not consider that such could be considered to be an 'essential' need given the existing accommodation on site. If approved, the Local Planning Authority considers the development would lead to an increase in the sporadic scatter of residential development in a location outside the confines of the housing settlement boundary and be of detriment to the character and appearance of the countryside. The proposals are therefore also contrary to policy DM2 of the Joint Development Management Policies Document and policy CS5 and CS10 of the Core Strategy and para. 55 of 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=OAYY22PDILX00&documentOrdering.orderBy=date&documentOrdering.orderDirection=ascending>