



Forest Heath
District Council

DEV/FH/18/004

Development Control Committee

7 March 2018

Planning Application DC/17/1176/FUL – Straw Barn Farm, Dunstall Green, Ousden

Date 23/06/2017 **Expiry Date:** 18/08/2017

Registered:

Case Aaron Sands **Recommendation:** Refuse

Officer:

Parish: Dalham **Ward:** South

Proposal: Planning Application - 1no dwelling

Site: Straw Barn Farm, Dunstall Green, Ousden, Suffolk

Applicant: Mr & Mrs C Nunn

Agent: Mr Cameron McKenna - C B McKenna

Synopsis:

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

Recommendation:

It is recommended that the Development Control Committee consider the attached application and associated matters.

CONTACT CASE OFFICER:

Aaron Sands

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Background:

This application is referred to the Development Control Committee from the Delegation Panel, where it was taken because the REFUSAL recommendation of the Officer conflicts with the comments of the Parish Council, who have raised no objection.

Proposal:

1. Planning permission is sought for the erection of two storey dwelling to house an agricultural worker in connection with the existing agricultural business currently on the site. The proposed dwelling measures 13.5 metres in width and 10.5 metres in depth, with a height of 8.2 metres at the ridge and 4.5 metres at the eaves.
2. The application was amended since submission to alter the blue line indicating land under the applicants control (though not formally part of the application), following a query in respect of land ownership.

Site Details:

3. The site forms a section of agricultural land currently used in connection with the agricultural business on the site. The site of the dwelling is located adjacent to the access, with an open field to the north separating the site from Goslings. The site is located within designated countryside for planning purposes.

Planning History:

4. None Relevant

Consultations:

5. Public Health and Housing: No objection subject to conditions (*officer note; burning of waste material is considered to be an unnecessary condition as it is covered by other legislation*)
6. Monitoring Officer: The site is below the relevant thresholds for affordable housing requirements
7. Dalham Parish Council: No objections
8. Environment Officer: No objection subject to informatives
9. Highway authority: Further information requested with regards to visibility splays. Recommend condition following the receipt of those details.

Representations:

- 10.2no. representations received incorporating the following points;
 - Buildings and Land belonging to The Old Rectory, Front Street,

Ousden have been included within this application (*Officer Note: the land in question was not included as part of the application, but was indicated within a blue line that shows land in control of the applicant. This has since been amended*)

- The Old Rectory, Front Street, Ousden has not been included as a consultee (*Officer Note: The Old Rectory is not a property in close proximity to the site, and while it appears they may own land adjoining the applicants own land, that does not adjoin the application site itself*)
- There are a number of windows facing Goslings that would overlook that property
- The field is prone to serious water logging which floods neighbouring garden and provisions should be put in place to limit this
- The air source heat pump should be placed to the south side of the building to prevent noise impacts to neighbouring properties
- Ousden Parish Council should also be consulted, as this area is close to Ousden than Dalham (*Officer note: despite some proximity to Ousden, this area is in Dalham parish and does not sit immediately along the boundary. There is no requirement to consult neighbouring Parish Councils. Similar circumstances in other cases have not resulted in consultations across boundaries.*)

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:

11. 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 DM46 (Parking Standards)

12. Forest Heath Core Strategy 2010

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Natural Environment)
- Policy CS3 (Landscape Character and the Historic Environment)
- Policy CS5 (Design Quality & Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

Other Planning Policy:

13. National Planning Policy Framework (2012)

Other Considerations

14. Town and Country Planning (General Permitted Development) (England) Order 2015

15. Annex A of PPS7 – Sustainable Development in Rural Areas (Withdrawn March 2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Highway Safety
- Impact on Neighbours

Principle of Development

17. The proposal is located within designated countryside and policy DM5 sets out limited provisions for development that may be supported within such locations, including residential development where it also meets the provisions of other policies in the adopted local plan. In relation to this case, policy DM26 sets out the specific considerations for dwellings for an essential worker in connection with a business located in the countryside. That policy requires details that there is a need for a worker to be living at the site, that there are no suitable alternatives and that the business is viable. Proposed dwellings must be of a size commensurate with the needs of the enterprise and should be designed so as to not be visually intrusive into the countryside or adversely impact the character of the area. Development is normally required to be provided through temporary means firstly, such as through caravan or similar structure, for a period of three years.

18. The proposal has submitted information to prove a need for an occupant to live on the site, as well as financial details to show the business is viable. These have been reviewed by consultants, Kernon Countryside Consultants (KCC), appointed by the LPA, but as the information and responses detail sensitive financial information they are not publicly available in accordance with Section 100A(3) and Schedule 12A of the Local Government Act 1972. However, a summary of the information and the response from the consultants follow in paras 18 to 20.

19. In relation to a functional need to live on the site, the applicant's details state a number of reasons, including practicalities, the ability to monitor horses and lambing ewes at the site, security, and insurance. The response from KCC is that the level of operations at the site are smaller scale, and that issues of security were previously noted, in the now withdrawn PPS7, as being insufficient to justify an agricultural dwelling. With regards to lambing ewes, KCC considers that they could be adequately managed by either off-site or seasonal workers. It is noted that PPS7 has been withdrawn, and that policy carries no weight. However, guidance in Annex A of that document also gave indication as to the tests that should be employed in considering dwellings for essential workers, and regard is had to that for guidance purposes only, in line with inspectors decisions (ref APP/X1355/W/15/3139552). On the whole, it is

considered that there is an insufficient need for a worker to live at the site in order to run the business.

20. In relation to financial circumstances the information submitted indicates that it is no longer possible to remain in their existing accommodation. Details of income sources have been provided, which cover both agricultural enterprises and supplemental income from other sources. KCC's assessment of the financial details indicate that the business is financially stable, which would meet part c of policy DM26. However, they also consider that the level of income is sufficient to maintain the current residence or another nearby residence, weakening arguments that there is no alternative accommodation.
21. As part of the assessment of policy DM26, it is also necessary to identify other properties in the surrounding area that could provide alternative accommodation. KCC have also reviewed the search of properties provided by the applicant. The applicant's current property is approximately 2 miles from the site, and searches have been undertaken of properties up to 3 miles, which would cover those properties of a similar distance to the existing. That search has revealed a number of available dwellings in the locality that could provide accommodation, such that there is reduced need to live on the site itself. It is accepted that there does not appear to be residential properties in the village of Ousden itself, and while the justification statement indicates it is not practical or sustainable to live outside the village, that is the current circumstance and the business appears to be acceptably run.
22. It is therefore considered that the proposal would not meet the tests of DM26 in demonstrating a need for an essential worker to occupy the site, with no alternative residential properties in the locality.

Design and Form

23. The proposed dwelling is of a reasonably modest footprint, at approximately 100m², and floor space, at approximately 185m². The roof pitch is reasonably steep, such that the height is comparative to many two storey dwellings. However, the site is not isolated in a sense that it is distant from other buildings. The agricultural buildings to the west are visible in longer views, as are surrounding dwellings and outbuildings. Screening exists along the front of the site that would provide some modest mitigation of the lower floors, including the parking and bin storage areas, but the dwelling would be visible, particularly from the north.
24. The character of surrounding properties is mixed, with a variety of forms, scales and designs. Parking is located in front of, but to one side of the dwelling, and so would not be a dominant feature of the property, even in the absence of the screening on site. The proposal would not appear out of character in the locality given the variety, and is somewhat reflective of the style of Goslings to the north, with a similar gable front and an elongated roof slope above part of the dwelling. It is therefore considered

that the proposal is of a design and form responsive to the character of the area, in accordance with policies DM2 and DM22.

Highway Safety

25. Dunstall Green Road is a reasonably straight road in a 30mph zone, though the speed limit increases to 60mph to the north of the site. The applicant appears to have control of the hedge along the roadside to the north of the site. The highway authority has indicated that there appears to be a reasonable prospect that visibility could be achieved along this, and the agent has provided an indicative drawing of visibility splays that would provide visibility of 46m to the south and 90m to the north. Adopted standards require a visibility splay of 90m in a 30mph zone, which would indicate the southern splay is not sufficient.
26. That said, the plan that has been provided would indicate there is some scope for further visibility splays, though these might be outside the control of the applicant. The splays as indicated would meet standards expressed in Manual for Streets, which requires 43m. In addition, it was noted on site that visibility was quite good, even with the vegetation in full bloom, as per the photo below. The plan provided would indicate that, because of the awayward curve of the road, a 90m splay would be achievable through the formation of a splay at 46m, as the remainder of the splay would sit on the edge of the carriageway.



27. The highway authority has not objected to the principle of using this access for the dwelling, which currently serves the business on the site, though requested details of the maximum visibility splays that could be achieved. The highway authority has recommended that the visibility splays be conditioned following the receipt of amended plans and officers consider that highway safety issues could be adequately dealt with through conditions such that it would not give rise to a safety issue.

Impact on Neighbours

28. The proposal dwelling is located some 75 metres from Goslings to the north and 70 metres from Cherry Tree Farm to the south, with the latter also including some intervening planting and outbuildings. While comments have been received in respect of impacts of noise and overlooking the distance is substantial. Now withdrawn practice guidance (Better Places to Live, withdrawn in 2014) indicated acceptable stand off distance of 20 metres was sufficient to mitigate for instances of overlooking, and officers consider that the distance here is more than sufficient to mitigate for impacts of overlooking.
29. Paragraph 5.4.3 of BS8233:2014 notes that noise naturally attenuates as it spreads out and is absorbed and affected by both the air itself and surrounding surfaces, and increased distances would compound the natural mitigation. Notwithstanding the comments of public health and housing, air and ground source heat pumps are made for residential use, there would be a reasonable expectation that they would not be so noisy as to make a residence uninhabitable through impacts of noise, as that would affect the residence they were installed into principally. The distance between the neighbouring property, coupled with intervening vegetation and, in some cases intervening built form, is considered sufficient to mitigate impacts of noise.
30. It is therefore considered that the proposal would not result in an adverse impact on the amenity of neighbouring properties.

Conclusion:

31. In conclusion, the principle and detail of the development is not considered to comply with relevant development plan policies and the National Planning Policy Framework and the proposal should be refused.

Recommendation:

32. It is recommended that planning permission be **REFUSED** for the following reason:
1. Policy DM26 requires that proposals for essential workers dwellings, in this instance an agricultural worker, provide evidence that there is a functional need for a full time permanent worker on the site, that there is a financially viable business, and that there is no other alternative dwellings available elsewhere in the locality. The application has failed to demonstrate that there is a functional need sufficient for the site to be occupied by a full time permanent worker, and while it is accepted that the business is financially viable, there is accommodation in the surrounding area that would appear to be available, at a distance reasonably commensurate with the existing arrangement, and within a suitable price range. The proposal therefore fails to accord with policies DM5, DM26 and paragraph 55 of the NPPF in respect of the requirement to demonstrate sufficient need for the dwelling.

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=summary&keyVal=OR4PNKPDH7Y00>