



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/022

Development Control Committee 7 June 2018

Planning Application DC/17/2648/FUL – Shadowbush Farm, Stansfield Road, Poslingford

Date Registered: 18.12.2017 **Expiry Date:** 12.02.2018 – EOT
08.06.2018

Case Officer: Kerri Cooper **Recommendation:** Refuse Application

Parish: Poslingford **Ward:** Cavendish

Proposal: Planning Application - 2 no. dwellings with associated access, car parking and landscaping (following demolition of existing agricultural barn) as amended and supported by additional information received 19th March 2018 and 30th April 2018

Site: Shadowbush Farm, Stansfield Road, Poslingford

Applicant: Mr Robert Dennis

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 Committee determine the attached application and associated matters.

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Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. The application was presented before the Delegation Panel at the request of the Local Ward Member, Councillor Peter Stevens (Cavendish).

A site visit is scheduled for Thursday 31 May 2018.

Proposal:

1. Planning Permission is sought for the construction of 2no. dwellings with associated access, parking and landscaping (following the demolition of an existing agricultural building).
2. The proposal has been amended during the course of the application to remove one of the accesses proposed, reduce the floor area of the proposed dwellings and to revise the layout in order to attempt to address the concerns raised by the Highway Authority and the Conservation Officer.

Site Details:

3. The application site comprises an existing agricultural building and yard, known as Shadowbush Yard, formerly part of Shadowbush Farm. The site is situated within the countryside, outside of any Housing Settlement Boundary for planning purposes, and lies between the villages of Stansfield and Poslingford. To the south of the site are residential properties and to the north of the site is agricultural land.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/15/1252/PMB PA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 - (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no dwelling (ii)	Application Granted	18.06.2015	16.07.2015

	associated operational development			
DC/17/0686/PMB PA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015- (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1no. dwelling	Application Granted	03.04.2017	06.06.2017

Consultations:

4. Natural England: No comments to make.
5. Rights of Way Support Officer SCC: No comments received.
6. Ramblers Association - Derek Fisher: No comments received.
7. Suffolk Wildlife Trust: No comments received.
8. Conservation Officer: Object to the proposed development and recommends that the application should be refused due to the adverse impact and harm to the setting of the Listed Buildings.
9. Tree Officer: There should be adequate arrangements in place to ensure the retention of trees shown as retained. Concerns that incorporating the trees into the garden curtilage of the proposed dwellings, may be at risk as removal would open up views across the Glem Valley.
10. Public Health and Housing: No objection, subject to conditions.
11. Environment Team: No objection, subject to conditions.

- 12.Environment & Transport – SCC Highways: Initially recommended permission be refused as safe and convenient access could not be achieved.
- 13.*Officer Note* - The application has subsequently been amended to remove one of the proposed accesses and the Highway Authority now has no objection, subject to conditions.

All consultation responses can be viewed online in full.

Representations:

- 14.Parish Council: No comments received.
- 15.Ward Member: Councillor Peter Stevens has called the application to Delegation Panel for the following reason:

'The Development Control Committee has made similar pragmatic decisions which don't offend the settlement pattern, on applications for Article Q barn conversions in the past.'

- 16.Neighbours: The following summarised letter of support has been received from the owners/occupiers of Shadowbush Barn:

- Sensible and logistic extension to the residential development of Shadowbush Farm.
- Inappropriate for existing barn to continue as agricultural use.
- Concern over position of first floor bedroom window in the proposed 4 bedroom house - result in overlooking.

All representations can be viewed online in full.

- 17.**Policy:** The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

1. Joint Development Management Policies Document 2015:
 - 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 DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - Policy DM13 Landscape Features
 - Policy DM15 Listed Buildings
 - Policy DM22 Residential Design

- Policy DM25 Extensions to Domestic Gardens in the Countryside
 - Policy DM27 Housing in the Countryside
 - Policy DM29 St Edmundsbury Rural Exception Sites
 - Policy DM44 Rights of Way
 - Policy DM46 Parking Standards
2. St Edmundsbury Core Strategy December 2010:
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
 - Core Strategy Policy CS3 - Design and Local Distinctiveness
 - Core Strategy Policy CS4 - Settlement Hierarchy and Identity
 - Core Strategy Policy CS13 - Rural Areas
3. Rural Vision 2031:
- Vision Policy RV1 - Presumption in favour of Sustainable Development
4. National Planning Policy Framework 2012

Officer Comment:

18. The issues to be considered in the determination of the application are:
- Principle of Development
 - Impact on Visual Amenity
 - Impact on Conservation Area and Listed Building
 - Impact on Neighbour Amenity
 - Impact on Highway Safety
 - Other Matters
 - The Planning Balance
 - Conclusion and recommendation

Principle of Development

19. Poslingford is designated as Countryside under Policy CS4 of the Core Strategy and it is a village which does not comprise a Housing Settlement Boundary. The policy states '*A number of small settlements across the borough do not benefit from having any services or facilities at all or have only limited services like a recreation ground, village hall or a pub. In these circumstances, the residents predominantly rely on the motor car to get to work, shops or use other facilities. We consider that in these settlements the construction of further new homes is unsustainable and it is unlikely that additional development would provide sufficient further customers to render the provision of a shop or other community facility viable.*'
20. As such, being outside any defined settlement boundary the site is within the countryside for the purposes of planning policy. Policy DM5 of the Joint Development Management Policies Document sets out the circumstances where new development will be permitted in the countryside. This policy

allows in principle new residential development associated with agriculture, forestry and equine related activities, affordable housing to meet local needs, small scale residential development in accordance with Policy DM27 or replacement dwellings. Policy DM5 also seeks to protect the countryside generally from unsustainable development.

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
22. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
23. Policy CS1 states that *'...the protection of ... the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.'*
24. Policy CS4 establishes a settlement hierarchy and all development proposals must have regard to this. The site is within the countryside for the purposes of this hierarchy, which sits below all the higher order settlements and is where new development should not detract, inter alia, from the setting of any settlement as a whole. The proposal conflicts with the provisions of Policies CS1 and CS4 as a matter of principle in that no regard has been had to the settlement hierarchy noting the isolated countryside location. This conflict with the Development Plan is a weighty material consideration that indicates refusal unless there are material considerations that indicate otherwise.
25. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development. The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where

it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'.

26. Furthermore, an assessment against the provisions of DM5 and Para.'s 7 and 17 of the NPPF is necessary. The application site is patently not located within any reasonable walking and cycling distance of services and facilities available in any nearby settlements. The nearest services and facilities are located in Stansfield, which is defined as an infill village. It would be extremely difficult to argue that it would provide support for local services and businesses due to the isolated nature of the location. The lack of lighting and footpaths, with the notable distance to any form of higher order settlement, results in an unsustainable location, thus, making it an unsustainable development contrary to the provisions of Policies DM1, DM5 and the provisions of Para. 55 of the NPPF. Stansfield is approximately 1.5 km to the north and contains public house but limited further amenities. Poslingford is approximately 2 km to the south but contains only very limited services. Neither settlement contain any services sufficient to support day to day needs. Furthermore, the route to both is along narrow, winding, unlit, generally 60 MPH roads with no footpath and would not in any event be conducive to walking and cycling. Clare, which would meet the day to day needs of local residents is approximately 5 km to the south well beyond reasonable walking or cycling distance. None of these routes to nearby settlements are therefore considered likely to provide an attractive or realistic alternative for any occupants, not least for those with restricted mobility or those accompanied by children, and not least in winter months or inclement weather.
27. The local bus service is limited and it is therefore considered that it is more likely that future occupants would be reliant on the car for most of their journeys. The proposal would therefore undermine the aims of paragraphs 7 and 17 of the Framework of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change. As a consequence the proposal must also be considered isolated, contrary to the provisions of Para. 55 of the NPPF.
28. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

29. St Edmundsbury Borough Council has a 5 year housing supply and therefore, its policies for the supply of housing (including settlement boundaries) are considered up-to-date and are material considerations in the determination of this application, (para 49 NPPF). The Council has a 5.3 year supply of housing including a 20% buffer.
30. Taking the above into consideration the proposal is clearly contrary to the adopted policies within the Development Plan and cannot be supported as a matter of principle. However, before a recommendation can be made it is important to also assess the matters of detail, as well as to examine if there are any other material considerations that must also be weighed in the balance of considerations.

Impact on Visual Amenity and Impact on Heritage Assets

31. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area.
32. Policy DM13 (Landscape Features) states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
33. Policy DM25 allows small and unobtrusive garden extensions.
34. The original scheme comprised 2 no. detached dwellings, with garages and a new access serving one of the proposed dwellings and the existing access serving the other proposed dwelling. The proposed scheme has subsequently been amended to remove the proposed access and utilise the existing access for both dwellings, remove the garages, reduce the footprint and floor area of the proposed dwellings and revise the layout for the dwellings to be sited on the footprint of the existing agricultural building.
35. Whilst it is acknowledged that the agricultural building is not of an attractive appearance and is visible from the public realm, a building of this nature is typical within this rural location and context and is not of a scale, use or appearance as to otherwise cause harm to the character of the area. The dwellings now before us have a notable and expansive curtilage, in a visually prominent location, thereby materially exacerbating the associated visual intrusion and harm arising from the provision of such, including fencing and domestic paraphernalia contrary to the requirements of Policies DM2 and DM25.
36. Shadowbush Yard is situated to the north of a collection of six dwellings. Agricultural land is to the north, west and east of the application site. Arguments that the proposal might otherwise be acceptable since it adjoins existing built development could be applied to many cases and could result

in significant unplanned and incremental expansion of rural areas. The proposed development is located on the northern edge of a small cluster of dwellings, whereby a physical edge has been established through the provision of agricultural buildings and associated land.

37. Noting the above, the proposal would create an encroachment into to the countryside that would be materially harmful. The provision of 2no. larger detached dwellings and their generous curtilages would intrude into this open countryside setting in a way that the conversion of the existing building to residential would not, to the clear detriment of the character and appearance of the area, and at a notable and materially greater level than might otherwise be allowed through any permitted development fall back. It would therefore have an unwelcome and intrusive urbanising effect on views out of Poslingford and towards Stansfield at a materially more harmful level that might otherwise be achieved through any potential use of permitted development rights. The proposal would therefore create a visual intrusiveness in this attractive rural location and create a significant impact so as to cause material harm to the surrounding landscape character.
38. Furthermore, the effect upon the listed buildings at the site is also material. Policy DM15 states that development affecting the setting of a Listed Building will be permitted where they demonstrate a clear understanding of the significance of the building, contribute to the preservation of the building and respect the setting of a Listed Building, including inward and outward views.
39. The proposed development is adjacent to a complex of historic barns, which are curtilage listed. The proposed development therefore has the potential to affect the setting of the listed buildings.
40. In addition the proposed development involves the demolition/partial demolition of two boundary walls, one of which forms the boundary to/is under the ownership of the neighbouring property. On the basis that the walls in question pre date 1 July 1948 and sat within the curtilage of the listed building at the time of listing the proposed demolition will require listed building consent.
41. The planning statement advises the following:
- the application scheme will not lead to the loss alteration or destruction of any heritage assets but will involve development within the setting of Shadowbush farm.
- It further goes onto advise:
- the removal of the large agricultural building will be seen as a positive

- the provision of the two dwellings will help to enhance the setting of the listed buildings
- and the nature of the residential use will be more in keeping with the surrounding and will not detract from the character of the historic setting

42.No evidence to support the above statements has been submitted to accompany the proposed scheme before us.

43.The NPPF requires an applicant to describe the significance of any heritage assets affected by the proposed development and the impact the proposals will have on that significance.

44.An assessment of the significance of the walls does not appear to have been undertaken and the proposed demolition is not overly clear on the plans. The Conservation Officer considers an assessment of the significance together with clearer plans indicating the full extent of demolition both in terms of linear and height marked on both elevations and plans is required together with contextual elevation details of the proposed fence.

45.As such, the principle of demolishing a wall(s) which make a positive contribution towards the assets significance is unlikely to be viewed favourably resulting in harm and contrary to paragraph 132 of the NPPF.

46.Setting aside the acceptability of the proposed demolition of the walls it is considered unlikely that the replacement of the wall to Shadowbush Barn with a fence will be acceptable from a conservation point of view appearing out of character with both the setting of the heritage asset and the countryside. Further detail of the proposed fence in terms of location and height are required in the form of a contextual elevation to comment further, however the assessment of the walls should be carried out to inform the acceptability of the proposed demolition in the first instance.

47.Little change to the arrangement with regard to the historic barns appears to have taken place over the years, which remain centred around a courtyard benefitting from a rural setting. The more modern agricultural buildings to the north are generally seen as a temporary addition and not necessarily out of character with its rural setting being of a typical modern appearance. Whilst all of the historic barns have since been converted they largely maintain their character in terms of their arrangement confining the permanency of residential development to the courtyard. The prior approval of the adjacent agricultural barn is unfortunate from the Conservation Officers' perspective, however given the nature of the tests and criteria set out under Class Q of the GPDO control over this was limited. That said, its utilitarian character may still be viewed as a notably less domestic addition than the provision of two substantial dwellings together with their associated curtilages and any domestic paraphernalia

typically associated with such development, set also within notably larger garden areas than would otherwise be permitted through the provisions of the GPDO. Whilst the revised layout details the removal of the proposed garages, the proposed scheme does not address the principal objection to the impact on the setting of the listed buildings. It is not considered that residential use will be more in keeping with the surroundings which to date and historically have either been undeveloped or agricultural more in keeping with the historic character of the site.

Impact on Neighbour Amenity

48. The proposed dwellings are of a two storey scale. The properties to the south of the site are of a similar scale. The existing access serving the implemented Prior Notification and current application site is located in between the existing residential development and the proposed dwellings.
49. Concerns have been raised by the owners/occupiers of Shadowbush Barn in respect of the position of first floor bedroom window in the proposed 4 bedroom house as to result in overlooking. However, it is considered that there is sufficient distance between the proposed dwellings and surrounding properties to the south as not create an adverse impact to residential amenity by virtue of overlooking, loss of light and overbearing.

Impact on Highway Safety

50. Initially, the Highway Authority were objecting to the proposed scheme due to insufficient visibility. It was suggested by the Highway Authority that the applicant considers redesigning the layout of the site so that both dwellings would use the existing access which has better, although still sub-standard visibility in the northern direction, and provide a speed survey to identify the 85th %tile speed to see if a reduction of the visibility distance could be considered.
51. As a result the application has been amended to utilise the existing access and provide further information to the Highway Authority. The Highway Authority now considers that the access and associated development is acceptable in highways terms and the required visibility spays are achievable. In addition, sufficient on-site parking is provided.

Other Matters

52. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
53. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water

consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

54. The submitted Preliminary Ecological Appraisal by Bright Green recommends that if the further surveys, avoidance and precautionary clearance methods and mitigation are implemented, it is considered that the potential impact of the proposed development on local biodiversity would be minimal. This would be required to be conditioned accordingly.

Conclusion on Planning Matters

55. On this basis, and as set out above, the policies discussed, which indicate refusal, must be given significant weight and which point clearly towards a refusal of planning permission unless there are any material considerations that indicate otherwise. One of these which must be explored in more detail is the potential for there to be a material fall back as a result of changes which can be effected using the provisions of Class Q of the GPDO.

Fall Back Position

56. It is important therefore to understand the site specific history of this site, particularly in relation to any matter of 'fall back'. The wider site has been subject to two recent applications:

(i) DC/17/0686/PMBPA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no. dwelling - Granted

(ii) DC/15/1252/PMBPA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 - (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no dwelling (ii) associated operational development - Granted.

57. Fallback is a material consideration in the decision making process, of which the Permitted Development rights given by the General Permitted Development Order comprise an element. Thus when making a decision on a planning application it may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted

development rights would in fact be resorted to.

58. On this final point, it is considered, assuming refusal of this permission, that the potential for conversion using the provisions of the GPDO would be explored in more detail by the site owner as an alternative and that, therefore, the 'fall back' situation has the potential to be highly material. The materiality of this of course depends on the degree of similarity between what is now proposed, and what could otherwise be achieved under permitted development, and, in relation to any differences, the different degree of harm, or not, arising as a result.
59. The most recent revisions to the GPDO make some notable changes. The most significant is the increase in potential dwellings from three to five. This provision is caveated however. For dwellings in excess of 100 square metres the overall allowance remains three dwellings and / or 465 square metres. For dwellings under 100 square metres (referred to in the regulations as 'smaller dwellinghouses') the allowance is increased to five. The regulations are not specific but it is assumed that the overall cumulative allowance for smaller dwellinghouses is 500 square metres rather than the 465 square metres otherwise allowed for 'larger dwellinghouses'.
60. Both dwellings for which permission is now sought are 170 square metres each. This is considered to be notably and materially in excess of the 100 square metres otherwise allowed for as smaller dwellings. Furthermore, the cumulative floor area of the two dwellings, plus the one already converted, is 556 square metres. Again this is materially greater than the tolerances permitted by the GPDO (465 square metres in the case of up to three larger dwellinghouses as would be the case in relation to what is now before us). This represents an approximately 20% increase over and above what could otherwise be achieved under the use of permitted development rights.
61. The existing building to be demolished has a floor area of 462 square metres. Noting the provisions of the GPDO, and noting that a 'larger dwellinghouse' has already been achieved elsewhere in the site, 400 square metres of this (so perhaps subject to some demolition) could be utilised to achieve up to four smaller dwellinghouses, but none of these could be any greater than 100 square metres each. It is understood that the rationale behind this provision is to achieve the Government's aspiration to provide smaller dwellings in rural areas, but such is not realised here in that the two replacement dwellings proposed are in any event materially in excess of the threshold for 'smaller dwellings'.
62. However, this fact, as a fall back, must be taken as materially limiting the locational unsustainability conclusions otherwise reached above. It must also, to a degree, limit otherwise the wider conflict with policy set out above, noting that, over and above the existing situation already converted, and noting that the existing building that already has prior approval to convert

to one dwelling would be demolished, the provisions of the GPDO would allow four additional smaller dwellings with a cumulative floor area of 400 square metres. This compares to the two dwellings now sought with a combined total of 340 square metres.

63. However, no prior approval has been submitted since the updated legislation and to a degree this limits the weight that should be attached to these changes. That said, it is respected that the existing building to be demolished has previously benefitted from a prior notification application so it is not unreasonable to assume that any such further application would have some reasonable prospect of success and this significantly increases the weight to be attached to this as a fall back.
64. It is also the case that if these dwellings were approved and implemented then there would be nothing to otherwise prevent the change of use of other agricultural buildings elsewhere within the holding, up to the relevant thresholds in the GPDO. This adds further weight against the proposal.
65. Also significant in relation to any fall back is the extent of domestic curtilage now proposed. Any dwellings allowed through the provisions of the GPDO would have only a very limited curtilage in accordance with the provisions of the GPDO.
66. These provisions allow a curtilage no greater than the floor area of the building. In this case 370 square metres of accommodation is proposed but with 2330 square metres of garden space. This is considered to be materially greater than would otherwise be allowed under permitted development and will, consequentially, and noting the visually exposed and sensitive location, and as concluded above, have a greater adverse visual effect. This is a fact that, taken alone, very, very significantly limits the weight that can be attached to this as a fall back.
67. Also of significance in judging the weight to be attached to any fall back is the likelihood that the developer will otherwise implement what might otherwise be done under PD. In this case it is considered that there is a strong likelihood that such will be the case, given the previous changes of use in a further building, and noting the extant change of use for the present building that is now proposed to be demolished. This conclusion also increases the weight to be attached to any fall back.
68. To conclude therefore, there are facts in this instance that allow notable weight to be attached to the fall back. These include the recent changes to the GPDO that allow for up to four additional smaller dwellings within the building up to a cumulative 400 square metres. This is a strong material consideration and must significantly reduce the weight to be attached to the locational unsustainability of the proposal and must also limit the weight to

otherwise be attached to the policy conflict. On the other hand, and notwithstanding the changes to remove the garage areas, the development still proposes a notably greater curtilage area than would otherwise be provided for under the provisions of the GPDO. Noting the harm in visual terms set out above, this must in itself limit the weight that must be attached to this as a fall back.

69. It should also be noted, importantly, that nothing in this fall back position overcomes the concerns set out above in relation to the heritage impacts arising.

Consideration and the Planning Balance

70. The submitted Planning Statement acknowledges that the site is outside of the Housing Settlement Boundary but states that there are combined benefits and material justifications that should outweigh this in the planning balance. These are summarised as follows:

- The provision of new high quality rural housing
- A boost to the local economy during the construction phase
- Significant landscape and visual improvements
- An enhancement of the setting of heritage assets
- Improvements to the amenity of local residents
- Improving the diversity of the local housing mix
- Support for local services and businesses
- Effective and efficient re-use of land
- The proposed development meets the objectives and aims of policy DM27 and paragraph 55 of the NPPF
- The fall-back position of a conversion of half of the existing agricultural barn into residential use and amendments to Class Q

71. The proposal comprises 2 no. 3 bedroom dwellings. Neither of the dwellings proposed are affordable housing units, where they could be considered otherwise under the appropriate policies for exception sites. Furthermore, as set out above, neither are 'smaller dwellinghouses' under 100 square metres.

72. The agent claims great weight on the fall-back position of the Prior Approval Application within the justification, however as set out above, reduced weight should be given to this as has been set out above given that this proposal materially exceeds the tolerances and thresholds set out in the GPDO, particularly in relation to garden size, noting the visual concerns arising from such set out above.

73. There is currently 1 no. large barn on the site, in close proximity to the dwellings along Stansfield Road. Whilst there are no restrictions on the hours of use of these buildings or the number of associated vehicle

movements, which is not uncommon for agricultural buildings, the Council is not aware of any adverse impacts arising from the existing situation on the site in terms of neighbour amenity. In addition, the buildings do not appear to be in use at the present time and the submitted Planning Statement explains that they are surplus to requirements and unsuitable for modern agricultural practices. Officers therefore consider that any claimed benefit from redeveloping the site and the removal of the existing use should be given limited weight in the planning balance.

74. It is acknowledged that the proposal would generate some economic activity if approved. This could however be said for all development proposals and is not, in itself, sufficient reason to set aside the conflict with policy in this case. Officers' consider that the material considerations cited by the agent do not outweigh the clear and significant conflict with the development plan in this case. These facts weigh very heavily, and fundamentally, against the scheme in the balance of considerations.

75. Having regard to the above, the principle of residential development in this location is contrary to adopted planning policy. Significant weight must be attached to this conflict with the development plan, noting the latest Court rulings on the interpretation of the NPPF. Other than the provision of dwellings in itself, which is of modest benefit, and the permitted development class Q fall back situation discussed above, there are limited material considerations that indicate that any decision should be taken not in accordance with the Development Plan. Accordingly, this policy conflict is considered to be a very notable weight against the proposal, and sufficient to justify refusal on its own.

76. The conclusions reached above in relation to heritage impacts are also notable, and material, and must be taken as weighing against the scheme. Noting that any 'fall back' in any event would be to effect the conversion of the existing building, with less visual impact therefore than with two detached dwellings, and with an associated reduced curtilage, this fact is significant, and must be taken as being sufficiently weighty so as to form a further reason for refusal.

77. For the reasons outlined above, officers consider that the material considerations cited by the agent do not outweigh the clear and significant conflict with the development plan in this case.

Conclusion

78. The application site lies outside of a defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The site is in an isolated and unsustainable location with very limited access to day to day services other than via the private car. The proposals are contrary to adopted planning policies which direct new

open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan. As discussed above, the provisions within the GPDO which allow up to four further dwellings within the barn must be taken as limiting any harm arising from the unsustainable location.

79. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out earlier in this report, officers are of the opinion that there are no material considerations that indicate that policy should be set aside in this case noting the material differences between what is proposed and what could otherwise be achieved through the utilisation of permitted development rights.

80. In addition, the provision of 2 no. dwellings and their generous curtilages would intrude into this open countryside setting in a materially greater way than would arise from any conversion of the building with class Q complaint curtilages, to the detriment of the character and appearance of the area, whilst failing to contribute or preserve the setting of the listed buildings. There is no material fall back situation that would otherwise serve to overcome these objections.

Recommendation:

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

1. The site falls outside of any defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The exceptions are set out under policies DM5, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of one or two dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and the matter of fall back through the provisions of the GDPO, whilst limiting the weight to be attached to the locational unsustainability of the proposal, is not of sufficient weight to otherwise overcome this conflict, noting the material differences between the development now proposed and what might otherwise be secured through utilisation of permitted development rights.

The proposal therefore is contrary to policies DM5, DM27 and DM29 of the Joint Development Management Policies Document 2015, CS1 and CS4 of the St Edmundsbury Core Strategy 2010 and the guiding principles of the National Planning Policy Framework (NPPF).

2. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area, and Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement. This is supported by the provisions of Policy DM22 that seeks to ensure a good standard of residential design.

The proposal would create an encroachment in to the countryside. The provision of 2no. dwellings and their generous curtilages, along with any associated domestic paraphernalia, would intrude into this open countryside setting, to the detriment of the character and appearance of the area. This harm is not mitigated for by any potential permitted development fall back since any development undertaken using permitted development rights would be contained within the existing building and would contain garden areas no greater than the footprint of the building being converted. Accordingly, this materially larger proposal would have an unwelcome urbanising effect on the site and on views to the north and towards Stansfield. The proposal would result in the beginning of a ribbon development and consequential countryside erosion. The proposal would therefore create a visual intrusiveness in this attractive rural location and create a significant impact so as to cause material harm to the surrounding landscape character contrary to the provisions of Policy DM2 and CS3, and to the requirements of the NPPF in relation to recognising the intrinsic character of the countryside.

3. Policy DM15 states that development affecting the setting of a Listed Building will be permitted where they demonstrate a clear understanding of the significance of the building, contribute to the preservation of the building and respect the setting of Listed Building, including inward and outward views.

The proposed development is adjacent to a complex of historic barns, which are curtilage listed. Little change to the arrangement with regard to the historic barns appears to have taken place over the years, which remain centred around a courtyard benefitting from a rural setting. The more modern agricultural buildings to the north are generally seen as a more temporary addition and not necessarily out of character with its rural setting being of a typical modern appearance. Whilst all of the historic barns have since been converted they largely maintain their character in terms of their arrangement confining the permanency of residential development to the courtyard. It is not considered that the proposal will be in keeping with the surroundings which to date and historically have either been undeveloped or agricultural more in keeping with the historic character of the site. It is also the case that no robust assessment of the significance of the loss of walling within the site has been carried out sufficient to inform a consideration of this matter.

As such, it is considered that the proposed development fails respect the significance of the listed buildings as to adversely affect their setting. It is considered the public benefit does not outweigh the substantial harm arising from the proposed development, as to be contrary to Policy DM15 and paragraphs 131-173 of the National Planning Policy Framework (NPPF).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2648/FUL](https://www.planningportal.gov.uk/permissions/planning-conditions/DC/17/2648/FUL)