

## **Development Control Committee 6 November 2019**

### **Planning Application DC/19/1217/FUL – 5C Oak Tree Farm, Wildmere Lane, Holywell Row**

**Date Registered:** 17.06.2019                      **Expiry Date:** 08.11.2019

**Case Officer:** Adam Ford                      **Recommendation:** Refuse Application

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

**Proposal:** Planning Application - 1no. dwelling with detached garage

**Site:** Mobile Home, 5C Oak Tree Farm, Wildmere Lane, Holywell Row

**Applicant:** Mr And Mrs N Young

**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.

**CONTACT CASE OFFICER:**

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## **Background:**

**With an Officer recommendation of REFUSAL and support from the Parish Council, this application was presented to the West Suffolk Delegation Panel on 10 September 2019.**

**Following this presentation, at the request of the Ward Member, this application has been referred to the Development Control Committee.**

## **Proposal:**

1. This application seeks planning permission for a two storey, 3 bedroom dwelling following the removal of an existing residential mobile home.
2. The proposed dwelling is set back 60m from Wildmere Lane and would be positioned adjacent to an existing mobile home. The dwelling has a ridge height of 7.9m with eaves of 2.6m. At its widest, the dwelling measures 12m whilst being 18.5m deep.
3. Externally the dwelling will be finished with antique Flemish bricks, pantiles and UPVC fenestration detailing.
4. The detached garage will be clad in timber with a ridge height of 4m and an eaves height of 2.4m.

## **Application Supporting Material:**

5. The following documents have been submitted with this application:
  - Location plan
  - Block plan
  - Proposed elevations
  - Proposed floor plans
  - Noise report
  - Design and access statement
  - Land contamination report

## **Site Details:**

6. The application site current benefits from an extant and implemented planning permission for two gypsy and traveller pitches, granted pursuant to F/2011/0768/COU.
7. However, notwithstanding this, from a planning policy perspective, the site lies in the open countryside as it falls outside of the Holywell Row settlement boundary. Residential development (within the settlement boundary) lies to the south of the application site whilst open sprawling countryside is located to the North, East and West.
8. Members will note from their site visit that there are currently three mobile homes on the wider site. Whilst two of these benefit from the aforementioned planning permission, it would appear that the mobile home and garage to the North of the site do not have planning permission. This matter has been referred to the planning enforcement service who are making enquires.

## **Planning History:**

9.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
F/2011/0768/COU	Siting of 2 no. static mobile homes and erection of two brick day rooms	Grant	12.04.12

## **Consultations:**

### **10.Planning Policy**

- Detailed comments, dated 23<sup>rd</sup> July 2019 have been provided by the Planning Policy team and these can be seen in full on the application website.
- In short, however, comments from Planning Policy confirm that this proposal should be assessed as representing an application for market housing in the countryside. As such, based on the information provided, the proposal is judged to conflict with policies CS1, CS10, DM5 and DM27.
- Planning Policy have therefore recommended the application be refused due to a material conflict with planning policy.

### **11.Ecology & landscaping Officer (verbal, 17 October 2019)**

- The application site lies within the 7.5km buffer zone which is designed to ensure undue adverse recreational impacts are not inflicted upon the integrity of internationally protected Breckland Special Protection Area. This application replaces an existing mobile home with a dwelling and due to there not being a net increase in the number of residential units, the proposal is not judged to give rise to unacceptable recreational impacts upon the integrity of the SPA. No further assessment or ecological information is needed.

### **12.SCC Highway Authority**

- No objection subject to standard conditions relating to the provision of parking and storage of refuse areas.

### **13.Public Health and Housing**

- No objection subject to conditions to mitigate against military flight noise

### **14.Ministry of Defence**

- No objection subject to conditions to mitigate against military flight noise

### **15.SCC Archaeology service**

- No objection subject to conditions

## **16. Mildenhall Internal Drainage Board**

- No objection to proposal

## **17. Environment Team**

- No objection subject to condition requiring electric charge point for vehicle

## **Representations:**

### **18. Public comments**

- No public comments submitted to the LPA.

### **19. Parish Council**

- The Parish Council have advised that they support the application but they have provided no reasons as to why.

### **20. Ward Member**

- No formal written comments but Cllr Waldron has requested the proposal is heard by the planning committee.

## **Planning Policy:**

21. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation.

22. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

23. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and the Forest Heath Site Allocations Local Plan 2019 Document, have been taken into account in the consideration of this application:

### **Site Allocations Local Plan Document 2019**

- Policy SA1 – Settlement Boundaries

### **Core Strategy document 2010**

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness

- Core Strategy Policy CS10 – Rural Communities

### **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 DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

### **Other Planning Policy:**

#### **24. National Planning Policy Framework (2019)**

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

### **Officer Comment:**

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

- The principle of development
- Design, form and scale
- Residential amenity

- Noise impacts from overhead military operations
- Ecological matters
- Highway implications
- Other matters

## Legal context

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010).
27. National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

## The principle of development

28. As noted earlier in this report, the application site in question is located outside any of the LPA's defined settlements and as such, the proposal comprises development in the countryside from a land use perspective.
29. From a national planning policy perspective, the NPPF (2019) is clear at paragraph 79 that LPAs should avoid granting planning permission for residential development in the countryside unless very special circumstances prevail. This position is further reflected in the LPA's local planning policies (SA1, CS1, CS10, DM5 and DM27) which state that planning permission for residential development in the countryside will typically **not** be supported unless there are exceptional and valid reasons to grant such proposals.
30. Proposals for residential development outside of the LPA's defined settlements must be considered carefully as it is incumbent upon the LPA to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, due to conflict with the development plan they should be resisted.
31. In this instance, whilst the presence of an existing mobile home, which has the benefit of planning permission is noted, policy CS1 of the FHDC Core Strategy defines Holywell Row as a 'secondary village' where "*development outside the settlement boundary will be restricted to particular types of development that support the rural economy, meet affordable housing needs, or provide renewable energy subject to all other material considerations and policies.*" Given that the application relates to a site outside of the defined settlement, in its current form, it fails to meet the scenarios in which CS1 would offer any degree of support for development in the countryside.
32. Policy CS10 of the FHDC Core Strategy further dictates that in villages and small settlements not identified for a specific level of growth in the Spatial Strategy residential development will only be permitted where:

- A. There are suitable sites available inside the limits of a defined settlement boundary;
- B. It is an affordable housing scheme for local needs in accordance with Policy CS9;
- C. It involves the appropriate re-use of a rural building;
- D. It provides a site for gypsy and travellers or travelling show people which complies with the Gypsies and Travellers policy in Policy CS8.
- E. It is a replacement of an existing dwelling;
- F. It is a dwelling required in association with existing rural enterprises which complies with the requirements of national guidance in relation to new dwelling houses in the countryside.

33. The proposal fails to meet the exceptions referred to above on the basis that the site lies within the open countryside, does not propose an affordable scheme and is not for the re-use of an existing rural building. The scheme does not propose an essential workers dwelling and this part of the policy is therefore not relevant.

34. With respect to point E of policy CS10, the application seeks to replace a mobile home with a brick built, permanent dwelling house. There is an important differentiation to be made between that of a mobile home and that of a permanent dwelling. In law and pursuant to section 29 Caravan Sites and Control of Development Act 1960; s.5(1) Mobile Homes Act 1983, a mobile home is defined as being:

*'any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted'.*

Crucially, they are designed to be of a moveable design and transient in their position; they are not defined as being buildings and are not therefore deemed to be a 'dwelling house'.

35. Whilst the courts have not defined a meaning for 'dwelling house', in *Gravesham Borough Council v Secretary of State for the Environment (1982) 47 P&CR 142* the most commonly used description was provided - *that of a building affording the facilities required for day-to-day private domestic existence.*

36. As such, on the basis that a mobile home is not defined as being a building and cannot therefore rely upon being deemed as a dwelling from a planning perspective, the proposal under determination here cannot therefore garner support from policy CS10 which refers to a replacement dwelling.

37. Finally, within the submission documents, no claim by the applicant has been made that this scheme aligns with policy CS8 (traveller and gypsy proposals) has been made. The proposal is not therefore being considered

within the context of policy CS8 and is proceeding on the basis that it seeks planning permission for a market dwelling.

38. In light of the above, and noting the ostensible conflicts with principle policies from within the FHDC Core strategy document, the principle of development is not supported when considered against both national and local planning policies.

### **Housing in the countryside**

39. In addition to the constraints imposed by policies CS1 and CS10, Policy DM5 further provides that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted.

40. In terms of housing, policy DM5 supports the principle of affordable housing, dwellings for key agricultural, forestry or equine workers, small scale development in accordance with policy DM27, and the replacement of existing dwelling houses on a one-for-one basis. Policy DM27 permits up to two dwellings on small undeveloped plots within otherwise built up frontages in existing clusters of housing.

41. The application represents unacceptable development in the countryside which policy DM5 aims to restrict. The proposal for a new dwelling is unable to meet any of the exceptional criteria referred to within policy DM5 and also fails to satisfy the requirements of DM27, as explained below.

42. Policy DM27 provides support for housing in the countryside subject to strict criteria. In order to garner support under policy DM27, two criteria must be applied. Firstly, proposals must be within a closely knit cluster of 10 or more dwellings which are adjacent to or fronting an existing highway and secondly the scale of development must consist 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.

43. Whilst the existing pattern of development, leading from St John's Street into Wildmere Lane, could potentially be deemed as a cluster for the purposes of this policy, the proposal is entirely incompatible with the second limb of the policy. The later part of DM27 provides that support will only be forthcoming if the scale of 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.

44. In this instance, the application site is set back from the highway and it does not comprise the infilling of a small undeveloped plot. The application site lies on the outer edge of the locality's existing pattern of development and its location therefore prevents the site from being able to be infilled in a way which is commensurate with the aims of policy DM27. Further residential development in this location would amount to urban sprawl beyond the settlement boundary as opposed to infilling an existing plot.

45. In addition, it should be noted that the LPA are able to demonstrate a 5 year supply of housing as required by the NPPF. Therefore, planning policies

which refer to the provision of housing are deemed to be 'up to date' and the tilted balance as set out in paragraph 11 of the NPPF is thus not triggered. The LPA are under no pressure to approve proposals for residential development which fail to accord with the adopted and up to date development plan.

46. Accordingly, the proposal is deemed to represent a material and significant conflict with both policies DM5 and DM27 of the Joint Development Management Policies Document and there are no material planning reasons in this instance which would justify the setting aside of these significant conflicts with the development plan.

### **Impact on the provision of West Suffolk traveller pitches**

47. As noted at the beginning of this report, in 2011, under F/2011/0768/COU, planning permission was granted for the siting of two mobile homes. The Officer report which recommended approval of this application in 2011 concluded:

*"In conclusion, the proposal seeks to provide two pitches for gypsy families that would meet an identified need within the district. The proposed site is considered appropriate for the siting of the mobile homes and would satisfy the criteria within Core Strategy Policy CS8. The application is therefore recommended for approval"*

48. As illustrated above, there was, at the time of granting planning permission in 2011, an identified need for the type of development proposed; this need would have been factored in as a material planning consideration based on the evidence and data contained within the 2011 Cambridge Sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA).

49. The updated 2016 GTANA provides a robust assessment of current and future need for Gypsy, Traveller and Travelling Show people accommodation in Cambridgeshire (excluding Fenland), West Suffolk, Peterborough and King's Lynn & West Norfolk. As well as updating previous GTANA it provides an update in response to the change to the definition of Travellers for planning purposes.

50. The need arising from households that meet the (new) 2015 Planning Policy for Traveller Site's (PPTS) definition of gypsies and travellers is addressed in section 8 of the recently adopted Site Allocations Local Plan. Taking into account the existing pitches and extant planning permissions there was no identified additional need to cater for those falling within the PPT definition in Forest Heath over the study period to 2036. Consequently no site allocations are proposed in the recently adopted Site Allocations Local Plan. However a potential need was identified for up to 8 pitches to meet any unknown need that may or could arise throughout the period.

51. The current proposal, if granted, would result in the permanent loss of a lawful traveller pitch and this is something which must, in the overall balance, weigh against the proposal given the LPA's requirement to provide necessary pitches. However, due to the lack of an identified need within the 2016 GTANA, only moderate weight should be applied to this loss of a single traveller pitch on the basis that there is no evidence available to the LPA which suggests that the unidentified need for traveller pitches will not arise.

52. The loss of the pitch however still represents a net decline in the area's overall provision and whilst the LPA note it is a single pitch only, given the obligation to provide appropriate pitches, moderate weight must be ascribed to this loss of a lawful traveller pitch that, in its current state, contributes towards the LPA's overall count.

### **Design, form and scale**

53. Policy DM2 provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

54. From a visual perspective the proposal would give rise to a permanent dwelling which would be at odds with the prevailing nature and character of the immediate site. Whilst dwellings *do* exist to the South of the site, these are located within the settlement boundary whereas the site in question lies within the countryside from a planning perspective. If approved, this proposal would result in a formalised, permanent dwelling which, when compared to the current site, will appear as a stark contrast to the prevailing loosely developed grain of the wider, rural locality. It is noted that the site is somewhat more developed than typical countryside locations, however, the site comprises mobile homes and moveable structures which are read and interpreted as such; they do not present as an urban extension and they do not therefore undermine the openness of the rural context in the same way as a permanent, brick built dwelling would or has the potential to. In this location, noting the surrounding development's form, scale and design, a permanent brick dwelling would be out of character and therefore contrary to both national and local policy.

55. The introduction of a further, two storey dwelling would be visually harmful given the site's loose coalescence of non-permanent structures which are modest in scale and do not dominate the visual landscape. Furthermore, the locality is generally populated with modestly scaled, single storey dwellings which do not dominate their plot or appear as large, overly urban styled dwellings. The proposed dwelling is significantly larger and taller than the area's existing properties. The ridge height and footprint appear incongruous with the existing pattern of development which, given the location on the periphery of the settlement boundary is relatively loosely grained and modest in scale. This proposed dwelling would appear as a stark contrast to the prevailing semi-rural character already in situ. It dominates its plot in a way that the locality's smaller dwellings do not and the two front dormer windows are particularly prominent so as to conflict with the prevailing modest scale of development which defines the locality.

### **Residential amenity**

56. Both policies DM2 and DM22 seek to secure development proposals which do not have an unduly adverse impact on residential amenity. This requirement is particularly relevant to the proposal under consideration as

the application site shares 2 of its 4 borders with existing residential properties (1 x mobile home and 1 x dwelling) and gardens.

57. The proposed dwelling would be positioned to the immediate south of the adjacent pitch and this, based on the plans submitted in support of the application, has the potential to adversely impact the amenity of the off-site pitch due to loss of light and the physical overbearing relationship it will have with the smaller, more transient in design mobile home. This overbearing relationship would prove contrary to the good design principles embedded within the NPPF and DM2 and DM22 of the Joint Development Management Policies Document.
58. The North elevation also has a window installed to the 'upper' floor and this gives rise to direct overlooking into the adjacent pitch. The LPA appreciate the current occupier may be ambivalent towards this arrangement, due to personal circumstances for example, but the LPA must consider the amenity of future occupiers also and, more generally, the acceptability of such overlooking potential. Windows and fenestration detailing which give rise to direct overlooking are seldom, if ever, supported by the LPA due to the ostensible conflict with policy DM2. The same applies in this instance and the window in question represents a feature that the LPA are unable to support. It should however be noted that removing this window, whilst addressing this particular concern, would not in any way overcome the in principle conflicts discussed in the earlier section of this report.

### **Noise from overhead military operations**

59. The application site is close to an operational airfield, being located within the 66dB noise contour for RAF Lakenheath (as set out in "A Report on a Military Aviation Noise Contour of F15MK/C and F15MK/E Aircraft Activity at RAF Lakenheath January 2017" (Report: OEM/08/17)).
60. The application site is located within an area affected by noise generated by military aircraft operating from an MOD establishment operated by the United States Air Force (USAF).
61. Paragraph 182 of the National Planning Policy Framework (2019) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted" before going on to require the applicant or agent of change to "provide suitable mitigation before the development has been completed."
62. In their formal comments, the MOD have noted that the submitted noise report falls short of the standard they would typically require but based on the data collected, have not offered an objection. Instead, they have advised the LPA that in the event of planning permission being granted, a suitable condition which mitigates against overhead noise should be imposed. These are commensurate with the comments offered by the LPA's Public Health and Housing team also.

### **Ecological matters**

63. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites

of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM10, DM11 and DM12.

64. In West Suffolk, parts of the Brecks are designated as a Special Protection Area (AKA European SPA Site). The EU Habitats Directive requires that an Appropriate Assessment (AA) is undertaken where a plan or project is likely to have a significant effect on a European Site. This enables a judgement to be made on whether there will be an adverse effect on the integrity of the site. In accordance with the mitigation/ avoidance measures identified in the Core Strategy, development which falls within the SPA buffers will require a project level HRA to determine whether the development will have an impact on the integrity of the SPA. Ultimately, where it cannot be concluded that development is not likely to have an adverse effect on the integrity of the SPA, the development will be determined in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).
65. In this instance, the application site lies within the 7.5km recreation buffer zone around the Breckland Special Protection Area (SPA) and, owing to the fact it does not represent a net gain in residential units, it does not therefore require a full project level assessment. The LPA's Ecological Officer has considered the proposal within the context of the aforementioned legislative context and has advised that there would not be a significantly adverse impact upon the integrity of the SPA.
66. The proposal is therefore not judged to conflict with the biodiversity objectives of the NPPF, policies DM10, DM11, DM12 or the Conservation objectives of the site itself.

### **Highway matters**

67. The 2019 NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
68. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network.
69. Accordingly, whilst this proposal does not propose a new access onto the public highway network, rather it will simply retain an existing one, formal comments from the Highway Authority have been sought.
70. In their formal response, the Highway Authority have confirmed that they have no objection to the proposal subject to the imposition of basic conditions which control the following:
- Provision and retention of parking and off road manoeuvring areas;
  - Waste storage and collection points
71. In light of the Highway Authority's positive stance, the proposal is not deemed by the LPA to conflict with the aspirations of the NPPF or policy DM2.

## **Other matters**

72. The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.
73. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
74. These articles have been considered by the LPA in the assessment of this application and whilst it is noted the application is recommended for refusal, the aforementioned Articles are not breached on the basis that the application has been voluntarily made to the LPA. In the event that it is refused, other than short term inconvenience, no breach of the ECHR arises.

## **Conclusion & planning balance:**

75. In conclusion, the principle and detail of the development is not considered to be acceptable and is not in compliance with relevant development plan policies or the 2019 National Planning Policy Framework.
76. The proposal seeks planning permission for a new dwelling in the countryside where such development is only permissible in exceptional or special circumstances, as articulated by policies CS1, CS10, DM5 and DM27. The proposed development lies outside of the defined settlement and therefore, in the absence of material planning considerations to indicate otherwise, represents a material conflict with the development plan. Consequently, the principle of residential development in this location is not supported.
77. In addition to the aforementioned 'in principle' concerns, the proposal also represents development which would be visually intrusive to its context and would also harm residential amenity by virtue of overlooking and overbearing. These are significant factors which must weigh against the proposal.
78. It must also be noted that the current mobile home which is in situ was granted planning permission in 2011 and fulfils an identified need for the provision of a traveller pitch. The loss of this unit, whilst noting that there is no *current* identified need, it would still represent a net loss in traveller pitches so as to weigh against the proposal, albeit with moderate weight. The loss of the pitch represents a net decline in the area's overall provision and whilst the LPA note it is a single pitch only, given the obligation to provide appropriate pitches, moderate weight must be ascribed to this loss of a lawful traveller pitch that, in its current state, contributes towards the LPA's overall count.

79. Overall therefore, whilst the personal benefits to the applicant which would arise in the event that planning permission were granted are noted, given that the principle of development is not supported, the identified visual and amenity harm and the loss of a lawful traveller pitch, this is a proposal that the LPA are not able to recommend for approval.
80. No material planning reasons to set aside the significant conflicts with the development plan have been identified.

### **Recommendation:**

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

1. The National Planning Policy Framework (NPPF) states that the planning system should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS10 of the 2010 FHDC Core Strategy and policy SA1 of the 2019 Site Allocations Plan establish the spatial strategy for the area and they dictate that unless special circumstances prevail, residential development in the countryside, beyond the settlement boundaries, should be strictly controlled. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out further strict circumstances where new dwellings will be permitted outside of settlement boundaries. The proposal does not meet the provisions of any of these policies and there are no material considerations that outweigh this very significant conflict with the Development Plan. The proposal therefore represents a conflict with Policies SA1, CS1, CS10, DM5 and DM27 of the Development Plan.
2. Policy DM2 provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

The proposal would give rise to a permanent dwelling which would be at odds with the prevailing nature and character of the immediate site. Whilst dwellings do exist to the South of the site, these are located within the settlement boundary whereas the site in question lies within the countryside from a planning perspective. If approved, this proposal would result in a formalised, permanent dwelling which, when compared to the current site, will appear as a stark contrast to the prevailing loosely developed grain of the wider, rural locality. In this location, noting the surrounding development's form, scale and design, a permanent brick dwelling would be out of character and therefore contrary to both national and local policy.

The introduction of a further, two storey dwelling would be visually harmful given the site's loose coalescence of non-permanent structures which are modest in scale and do not dominate the visual landscape. Furthermore, the locality is generally populated with modestly scaled, single storey dwellings which do not dominate their plot or appear as large, overly urban styled dwellings. The proposed dwelling is significantly larger and taller than the area's existing properties. The ridge height and footprint appear incongruous with the existing pattern of development which, given the location on the periphery of the settlement boundary is relatively loosely grained and modest in scale. This proposed dwelling would appear as a stark contrast to the prevailing semi-rural character already in situ. It dominates its plot in a way that the locality's smaller dwellings do not and the two front dormer windows are particularly prominent so as to conflict with the prevailing modest scale of development which defines the locality.

This results in a design and proposal which fails to respond to its surroundings and the prevailing urban fabric as required by point J of Policy DM2 of the Joint Development Management Policies Document (2015). The proposal also fails to accord with paragraph 124 of the 2019 NPPF which states that good design should be at the heart of all proposals to ensure that high quality buildings and environments are created.

3. The proposed dwelling would be positioned to the immediate south of the adjacent pitch and this, based on the plans submitted in support of the application, has the potential to adversely impact the amenity of the off-site pitch due to loss of light and the physical overbearing relationship it will have with the smaller, more transient in design mobile home. This overbearing relationship would prove contrary to the good design principles embedded within the NPPF, CS5 of the Core Strategy and DM2 and DM22 of the Joint Development Management Policies Document.

The North elevation also has a window installed to the 'upper' floor and this gives rise to direct overlooking into the adjacent pitch. This would be detrimental to the amenity of the off-site mobile home as direct, unrestricted views from an upper level would be possible. This would therefore be harmful to the neighbouring property's privacy and amenity to a sufficient extent for the proposal to represent a material conflict with part g of Policy DM2

4. The proposal would result in the permanent loss of a lawful traveller pitch and this represents a material conflict with the LPA's requirement to provide necessary sites for the travelling community pursuant to the 2015 Planning Policy for Traveller Sites.

The loss of this single pitch represents a net decline in the LPA's overall provision and whilst the LPA note it is a single pitch only, given the obligation to provide appropriate pitches for the travelling community, with no material factors to indicate that this pitch should be sacrificed, there are no relevant planning reasons which enable the LPA to conclude that the loss of this pitch would not be detrimental to the LPA's overall provision.

### **Application documents:**

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

