

Development Control Committee 8 January 2020

Planning Application DC/19/1918/FUL – Land at Chardale, Dale Road, Stanton

Date Registered: 07.10.2019 **Expiry Date:** 02.12.2019

Case Officer: Mr Nicholas Yager **Recommendation:** Refuse Application

Parish: Stanton **Ward:** Stanton

Proposal: Planning Application - 1no dwelling and cart lodge

Site: Land at Chardale, Dale Road, Stanton

Applicant: Mr Graham Bettany

Synopsis:

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

Recommendation:

The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory Services). However, it is recommended that the Delegation Panel advise the Assistant Director (Planning and Regulatory Services) of their opinion as to whether this application should be referred to the Development Control Committee for determination or whether it should otherwise be determined using delegated powers.

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Background:

The application is referred to the Development Control Committee following the meeting of the Delegation Panel that took place on 3 December 2019, as the application is contrary to the Development Plan and is recommended for a REFUSAL.

A site visit is to take place on 6 January 2020 for the Members of Development Control Committee.

Proposal:

1. Planning permission is sought for a 1no dwelling and cart lodge. The proposed access of the site is located fronting Dale Road. The proposed dwelling is positioned off and facing Dale Road. The proposed dwelling is of a converted barn design and the floor area resembles an H shape. The cartlodge is located to west of the host dwelling and is a traditional cartlodge design with two car parking spaces.
2. The application site has had a previous refusal for a 1no. dwelling under application reference number DC/16/0693/OUT. All local plan policies have not changed since this previous refusal and therefore the recommendation of the application has not changed.

Application Supporting Material:

- Application Form
- Location Plan
- Land Contamination Assessment
- Land Contamination Questionnaire
- Design and Access Statement
- Block Plan and Tree Protection Plan
- Proposed Elevation and Tree Protection plans
- Cart Lodge Plans
- Sketch

Site Details:

3. The site is adjacent to Chare Road and currently accessed from the host property Merrifields which fronts Dale Road, the site abuts the boundaries of two further properties on Dale Road; New Delight and Chardale. The site is situated outside the settlement boundary and on land designated as Countryside. The application site is not located within a conservation area, however, the application site is located to the rear of the property New Delight which is grade II listed. There is a protected tree located in the garden of the Chardale located close to the proposed dwelling. The tree is protected under Tree Preservation Order 156(1991). There is an existing workshop located currently in the application site near the western boundary.

Planning History:

4. DC/16/0693/OUT Outline Application is sought for 1no. dwelling. Refused.
5. E/91/2041/P Outline Application - 2 no. dwellings and construction of new vehicular access. Refused.

6. E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.
7. Appeal; E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.

Consultations:

8. Public Health And Housing 15/10/2019: *I confirm I have reviewed the information provided and considered the implications from a Public Health, Housing and Nuisance control_perspective. In_the interest of protecting residential amenity during the_construction phase. I would suggest the following conditions should be_attached to any consent_granted. Suggested conditions of construction hours,_and no burning of waste on site.*
9. Environment Team 04/11/2019: *No objections subject to a condition requesting electric vehicle charging points being attached to the planning consent.*
10. Environment & Transport – Highways 13/0/2019: *No objection subject to a conditions relating to visibility splays, refuse/recycling bins and manoeuvring and parking.*
11. Stanton Parish Council 29/11/2019: *Since 2016 the area around this piece of land has been further developed. A large property is in the process of being built on the former site of 'Mentor' and the Council consider that the proposed plot now lies within the settlement boundary of the Village. The plot will enhance the character of the area and therefore the Council has no objections to the application.*
12. Tree Officer: 15/11/2019: *After further review of the documents, I am_satisfied that a sufficient level_of_information has been submitted in order to make an assessment of the likely arboricultural impact of the proposed development. The new dwelling is shown to be in close proximity to the Walnut protected under TPO/156(1991), albeit outside of the root protection area and crown spread of the tree. The stated crown height and spread indicates the Walnut is reaching its ultimate size, this factor in conjunction with the minimalistic fenestrations on the eastern elevation suggests that no significant degree of post development resentment would arise. My principle concern would be the level of detail pertaining to tree protection measures, although this concern could be addressed by the application of a suitably worded condition. Overall, provided that the submitted information is accurate, I would consider the arboricultural impact of the proposed development to be low.*
13. Conservation Officer 11/12/2019: *The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind The Chardale and therefore won't impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Dale Road and therefore no objections to the proposal from a conservation perspective.*
14. All representations can be read in full online.

Representations: No representations received.

Policy:

15. 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. 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 St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Rural Vision 2031 have been taken into account in the consideration of this application:

16. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 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 DM13 Landscape Features
- 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

17. St Edmundsbury Core Strategy (December 2010) (CS)

- Policy CS1 St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS4 Settlement Hierarchy and Identity
- Policy CS7 Sustainable Transport
- Policy CS13 Rural Areas

18. Rural Vision 2031 (September 2014):

- Policy RV1: Presumption in Favour of Sustainable Development
- Policy RV3: Housing Settlement Boundaries

Other Planning Policy:

19. 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:

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

- Principle of development
- Impact upon the surrounding area
- Highway safety
- Residential amenity

Principle of Development

21. The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton.

22. Core Strategy (CS) Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

23. Policy DM5 states that areas designated as countryside will be protected from unsustainable development but allows for small scale residential development of a small undeveloped plot in accordance with policy DM27.

24. Development Management Policy DM27 states that proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria;

- a) the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway.*
- b) the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.*

Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

25. Policy DM27 clarifies that a small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.

26. The application site is located adjacent to Chardale and opposite Mentor House, these properties form the last bungalows running west. To the south and north of the site a grassed area of open space (of which the site forms part), is bordered by agricultural land and buildings. As such the site is at the end of the housing along Chare Road, as opposed to being within a cluster of dwellings as required by Policy DM27. The site is not considered to consist of a small

undeveloped plot as it forms part of a much larger area of open land. Furthermore, the proposal cannot be considered as infill development within an otherwise continuous built up frontage given the absence of any existing dwellings adjacent to the site on its northern or western sides. For these reasons, the proposal is not considered to comply with Policy DM27.

Policy DM5 of the Joint Development Management Policies states that areas designated as countryside will be protected from unsustainable development. Residential development may be permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business, small scale residential development of a small undeveloped plot in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

27. The proposal does not meet any of the special circumstances set out within Policy DM27.

28. Policy RV3 of the Rural Vision and policies CS1 and CS4 of the Core Strategy, are broadly consistent with the principles of sustainable development as set out in the NPPF, insofar as they require new development to be concentrated in the larger urban areas and villages, where there are a wider range of services and facilities. Whilst the use of settlement boundaries can act as a constraint on the growth of rural settlements, it is noted that policies DM5 and DM27 do not impose a blanket restriction on development. These policies allow for a range of appropriate proposals in the countryside subject to a wide range of flexible criteria. As a consequence, taking these policies as a whole, they are considered to be generally consistent with the NPPF.

29. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. It is acknowledged that the development would make a modest contribution to help sustain local services in Hundon, as well as helping to sustain the viability of services in other nearby villages.

30. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.

31. Nearby roads, notably the B1111 which provides access to the Key Service Centre at Stanton has no associated cycle lanes or pedestrian footpaths, making it difficult to access the village by means other than by car. Facilities within Stanton are further divorced from the application site by the A143. Occupiers of the dwellings would therefore be mostly dependent on the use of the private car for the vast majority of needs and services, and there would therefore be conflict with the underlying intention of the NPPF and Core Strategy which aim to direct development to the most sustainable locations. Consequentially, the proposal would also fail to comply with Policy DM5 in that it proposes unsustainable development within the countryside. Nonetheless, it is noted that this would not be materially different to the position faced by the existing community in this nearby part of Stanton.

32. For the reasons set out above, officers consider that this proposal for a new dwelling in the countryside would not meet current policy requirements and is

unsustainable development. As such the principle of development is not acceptable in this case.

Impact on the Character/ Street Scene

33. Outline planning permission for two dwellings has been previously refused on this plot under application reference numbers (E/91/2041/P and E/92/2660/P). Further, most recent application DC/16/0693/OUT for 1 no. dwelling was also refused with application E/92/2041/P being dismissed at appeal

34. Whilst this appeal is of some age and its relevance therefore diminished, particularly in relation to the principle, part of the decision rings true still in relation to the visual impact, with the inspector concluding; *When I visited the site, however, I saw that the garden, although it reaches out along Chare Road to the west of the built up area, blends harmoniously with the open countryside.*

The site currently forms part of an open grassed area with agricultural land beyond. The construction of a new dwelling together with the associated access would intrude into this open countryside setting, to the detriment of the character and appearance of the area. The proposed development, however, would extend the built up area along this narrow and attractive country lane in a manner that would, in the opinion of officers, be intrusive and contrary to the stated intentions of the Council to protect the character and appearance of the countryside and therefore in contrary to development management policy DM2 and Core Strategy CS3.

Residential amenity

35. It is considered the application site could accommodate a dwelling of single storey scale, subject to details, without adverse effect upon Chardale by reason of overshadowing, overlooking, or having an overbearing impact if the principle of development was otherwise supported in this location notwithstanding the conclusions above.

Listed Building

36. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

37. Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting and respects the setting of the listed building.

38. The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind Chardale and therefore it is not considered that it would negatively impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Chardale Road and therefore there are no objections to the proposal from a conservation perspective insofar as it relates to the impact of the proposal upon the setting of the listed building, with reference to Policy DM15.

Other Matters

- 39.No information was submitted in respect of the potential biodiversity impact of a new dwelling. However, the site is considered to have low biodiversity value due to it being located within a domestic garden land and therefore this matter is not raised as an additional reason to refuse. There is a TPO Walnut tree protected under TPO/156(1991) located within close proximity to the proposed dwelling, which is a tree of considerable amenity value. The tree officer confirmed that the information submitted within the application was sufficient to have a detailed assessment of the impacts of the proposal. The tree officer confirmed that the principle concerns would be the level of detail pertaining to tree protection measures. However, the tree officer stated that this concern could be addressed by the application of a suitably worded condition. The site is otherwise of sufficient size to accommodate a dwelling that, with care, can be provided without adverse effects upon the tree.
- 40.The Highway Authority have responded with a no objection to the application subject to the suggested conditions relating to visibility splays, refuse/recycling bins and manoeuvring
- 41.The environmental team have confirmed no objections to the proposal with regards to contaminated land. However, the environmental team have stated the electric car charging point condition has also been recommended along with water efficiency condition would be required if the application was supported.
- 42.Public Health and Housing responded with a no objection subject to the suggested conditions of the construction works hours and no burning of waste on site. The construction works hours would be considered to be reasonable if the principle of development was acceptable.
- 43.The application site is not located in either Flood Zone 2 or Flood Zone 3 and therefore has a low probability of flooding.

Conclusion:

- 44.Whilst Development Management Policies DM5 and DM27 provide for small scale residential development of small undeveloped plots in the countryside, the proposal in this case is not considered to represent infill development within an otherwise continuous built up frontage and within a closely knit cluster of dwellings. The scheme would introduce new housing in an unsuitable location and would intrude into open countryside, to the detriment of the character and appearance of the area.
45. The limited benefit arising from the provision of a single dwelling in this unsustainable location is not considered sufficient to outweigh the material harm arising.
- 46.The proposal is therefore considered contrary to policy and it is recommended that planning permission be refused.

Recommendation:

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

The National Planning Policy Framework (NPPF) states that planning 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 (para. 17). Core Strategy Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document states that areas designated as countryside will be protected from unsustainable development, and restricts new residential development in such locations to affordable housing for local needs, dwellings for key agricultural, forestry and commercial equine workers, small scale residential developments of small undeveloped plots in accordance with Policy DM27 and the replacement of existing dwellings. Policy DM27 sets out the circumstances where small scale residential developments in the countryside will be permitted.

The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton. The site lies adjacent to but separated from a group of housing and forms part of a larger area of open space with agricultural land beyond, as part of the transition from the village to the countryside beyond. The site is not therefore within a cluster of dwellings and the proposal would not constitute the infilling of a small undeveloped plot within an otherwise continuous built up frontage, as required under Policy DM27. The proposal furthermore does not meet any other special circumstances for residential development in the countryside set out within the NPPF and Policy DM5. The development would erode and urbanise the existing countryside setting in this location to the detriment of the character and appearance of the area and the setting of the nearby settlement of Stanton. In addition, the site's location away from the services in the village of Stanton would require future occupiers of the proposed dwellings to travel to the village and beyond to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would foreseeably be by car. The proposal for a new dwelling in this countryside location therefore represents an unsustainable form of development.

For the above reasons the proposals are considered contrary to Policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy (December 2010), Policy RV1 of the Rural Vision 2031 (September 2014), policies DM1, DM2, DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1918/FUL](https://www.stedmundsbury.gov.uk/DC/19/1918/FUL)