

Development Control Committee 7 July 2021

Planning Application DC/21/0623/FUL – Hillcrest Nursery, Barningham Road, Stanton

Date registered:	9 April 2021	Expiry date:	4 June 2021 EOT 8 July 2021
Case officer:	Amey Yuill	Recommendation:	Refuse application
Parish:	Stanton	Ward:	Stanton
Proposal:	Planning application - one temporary static caravan for a period of three years		
Site:	Hillcrest Nursery, Barningham Road, Stanton		
Applicant:	Mr Robert Arnold		

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application was considered at the Delegation Panel on 1 June 2021 as the Parish Council did not object to the proposal, contrary to the officer's recommendation of REFUSAL.

It was agreed by the Delegation Panel that the matter should be referred to the Development Control Committee for determination.

Proposal:

1. This application seeks planning permission for a temporary static caravan for residential use for up to three years. It is proposed that the existing vehicular access of Hillcrest Nursery will be used to access the site and off-road parking will be provided next to the proposed caravan, with bin storage also on site.

Application supporting material:

2.
 - Application Form
 - Proposed Floor Plans and Elevations (Drawing No. 20243-02 A)
 - Site Layout and Location Plan (Drawing No. 20243-01 B)
 - Planning Statement
 - Supporting Letter
 - Land Contamination Questionnaire

Site details:

3. The site is located to the north of Hillcrest Nursery, within the applicant's ownership, on land which is outside of the housing settlement boundary and therefore within designated countryside, for planning purposes. The site sits on the northern side of Stanton, to the east of the B1111 (Barningham Road) and is currently a grassed paddock area. The site has a high hedge on its northern boundary and a broken, post and rail fence to the west, which runs parallel to the B1111. To the south of the application site sits a small collection of residential properties in a terrace formation known as Denbies, and to the east is land which forms part of Hillcrest Nursery, including an existing residential bungalow.

Planning history:

Reference	Proposal	Status	Decision date
DC/14/1268/FUL	Planning Application - Change of Use of greenhouse to coffee shop	Application Granted	28 October 2014
DC/20/0457/FUL	Planning Application - 1no. agricultural storage building	Application Granted	18 May 2020

Consultations:

4. **Public Health and Housing** – No objection but advised that should a further planning application be submitted to extend the temporary siting of the static caravan; a caravan site licence may be required.
5. **Environment Team** – Satisfied that the risk of contaminated land is low, however, advised that if permission is granted, if during development contamination is encountered which has not previously been identified, contact should be made with the Local Planning Authority.
6. **Suffolk Fire and Rescue Service** – Advice provided but no objection raised.
7. **Waste Management** – No comments.
8. **Suffolk County Council Highway Authority** – Further information was requested by the Highway Authority on 30 April 2021 regarding the field access to the west of the site. Following additional information being received and discussions with the Highway Authority, comments were submitted on 21 June 2021 stating they have no objections to the proposal subject to conditions to ensure the bin storage area and parking area are provided prior to the development being brought into use if granted, and that the field access to the west of the site is a maximum width of 1.5 metres to ensure it is used as a pedestrian access only, not a vehicle access.

Representations:

9. **Parish Council** – Stanton Parish Council did not object to the principle of a temporary static caravan on this site, however, raised concerns regarding the site being accessed directly onto the B1111 (Barningham Road) at the field entrance. It was further stated that they would object to any permanent building being erected on the site.
10. **Ward Councillor** – No comments received.
11. **Neighbour Representation** – Three sets of comments were received from two neighbours (No.4 Denbies and No.6 Denbies, Barningham Road).
12. No.4 Denbies comments were received on 01 May 2021 and 04 May 2021, objecting to the proposal for the following reasons:
 - Increased noise issues
 - Increased light pollution
 - Highway safety
 - Parking issues
 - Queries regarding discrepancies with plans and submitted information as well as removal of wild hedge
13. No.6 Denbies comments were received on 01 May 2021, objecting to the proposal for the following reasons:
 - Increased noise issues

- Increased light pollution
- Highway safety
- Queries regarding discrepancies with plans and submitted information as well as removal of wild hedge

Policy:

14. 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.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM22 Residential Design
- Policy DM26 Agricultural and Essential Workers Dwellings
- Policy DM27 Housing in the Countryside
- Policy DM29 Rural Housing Exception Sites in St Edmundsbury
- Policy DM46 Parking Standards
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing Settlement Boundaries

Other planning policy:

16. National Planning Policy Framework (NPPF)

17. 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:

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

- Principle of Development
- Design and Impact on Character
- Impact on Neighbouring Amenity
- Highway Impact
- Other Matters

Principle of development

19. The application proposes a single, temporary dwelling in the form of a static caravan for a period of up to three years on the site. The application site is located on land designated as countryside for the purpose of planning and sits outside of all the Local Planning Authority's defined housing settlement boundaries within Stanton, of which there are three. Consideration, therefore, needs to be taken in protecting the countryside against unsustainable development, in accordance with DM5 and DM27 of the Joint Development Management Policies Document (2015), CS1, CS2, CS4, CS7, and CS13 of the St Edmundsbury Core Strategy (2010), and Paragraph 79 of the National Planning Policy Framework (2019) (NPPF).

20. Policy CS1 sets out the spatial strategy and Policy CS4 limits development outside of settlement boundaries unless exceptional circumstances apply. The proposal conflicts with both policies.

21. Policy DM5 states that in reference to residential accommodation within designated countryside a new or extended building will be permitted where it is for; b. affordable housing for local needs in accordance with other policy, e. a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of policy DM26 or g. the replacement of an existing dwelling on a one for one basis.

22. The proposal is not for affordable housing or a replacement dwelling, therefore, does not accord with points b or g. It has been stated that the static caravan is required to provide extra security on the site in relation to the haulage business under the applicant's ownership. However, this is

not an agricultural, forestry or commercial equine business and nothing more than anecdotal assertion has been made in this respect by the applicant. Therefore, and in any event, criterion a of policy DM26 is not relevant. Furthermore, the wider site already has a dwelling which is the applicant's current home, and this is to be retained. Therefore, the addition of a further residential unit is not considered to be essential for the operation of the business and does not meet the requirements within criterion a of policy DM5 or policy DM26.

23. Under criterion f of policy DM5 it is stated that dwellings within the countryside may be permitted where the proposal is for a small scale residential development of a small undeveloped plot in accordance with policy DM27. Policy DM27 states that proposals for new dwellings will be permitted in the countryside if the development is within a closely knit 'cluster' of 10 or more dwellings adjacent to or fronting an existing highway or 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 the existing dwellings within an otherwise continuous built up frontage.
24. The site in question is not within a closely knit cluster of 10 or more dwellings adjacent or fronting a highway and does not involve the infilling of a small undeveloped plot within a built up frontage. The site is nearby other dwellings; however, this factor alone is an insufficient reason to justify approval. Therefore, the proposal is not considered to fall within any of the circumstances permitted by policy DM27 or criterion f of DM5.
25. Accordingly, the above analysis concludes material conflict with the provisions of the Development Plan, and this weighs heavily against the scheme.
26. Paragraph 79 of the NPPF provides two additional justifications for residential units in the countryside, which are not covered by policy DM5. Those being that the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or that the design is of exceptional quality, in that it: (i) is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and (ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. With the proposal being for a temporary static caravan, neither of these reasons are considered to be relevant and no support can be drawn from the NPPF in this regard.
27. The site is at the northern edge of Stanton, a key service centre settlement with a good range of services and facilities. Whilst the site is beyond the settlement boundary for Stanton and so for planning policy purposes is in the countryside, the proposed dwelling would adjoin existing houses immediately to the south. It would also be a short distance from other houses and commercial premises in this part of Stanton. The proposed dwelling would not therefore be isolated. This reinforces the lack of support concluded above in relation to paragraph 79 of the NPPF, noting that the exemptions set out at paragraph 79 only apply in the case of isolated dwellings, which this site is not.

28. In terms of access to most services and facilities in Stanton, the site would be just within the margins of a reasonable walking distance, including in most part on a good footpath, with occasional streetlights, directly along the B1111, although the first approximately 300 metres would require walking on the grass verge with no streetlighting. The site also would be within easy cycling distance of village facilities. The Hillcrest Nurseries development is immediately south of the application site and contains amongst other things a farm shop/deli and coffee shop. Overall, future occupants of the proposal would not be reliant solely on the private car to access basic day-to-day services and facilities. The dwelling would also help to maintain the vitality of Stanton as a service centre village. There would also be no conflict with Policy CS4 of the Core Strategy Development Plan Document 2010 on managing impacts on climate change.
29. However, just because a proposal would not be isolated does not disengage the wider development plan framework which seeks to reasonably distinguish between settlements and countryside in terms of securing an overarching sustainable pattern of development that strikes an appropriate balance between maintaining a countryside resource and identifying opportunities for villages to grow and thrive. This is set out at Policy DM5 and further articulated at Policy DM27. This is consistent with national policy, especially at NPPF paragraph 78. This policy framework is also providing for a 5 year supply of deliverable housing land and therefore carries substantial weight.
30. The countryside designation around Stanton in the development plan provides reasonable certainty to the local community and others that as a matter of principle, development here would be carefully managed irrespective of whether they are isolated or not. The overarching and up-to-date development plan strategy is there to carefully manage development in the countryside including an allowance for modest infill development at Policy DM27. For the reasons set out above, the proposal, by reason of its established countryside location and character, would not be consistent with the over-arching policy framework as set out at Policies DM5 and DM27 and this weighs very heavily against the scheme.
31. The planning statement submitted with the application also makes reference to the permission being sought being temporarily for three years and also being personal to the applicant, as being potentially material. These two matters are discussed in more detail below.
32. In relation to the matter of it being temporary, advice given in the National Planning Policy Guidance (NPPG) at paragraph 013 explains that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area, where it is expected that the planning circumstances will change in a particular way at the end of that period, or where a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward.
33. In relation to these matters, the effect of the development on the area is known. A 'trial run' will not add materially to this. The effects arising from its unsuitable and unsustainable location are noted, as will be any effects

arising as may be concluded below in relation to the visual impacts. A trial run is not needed in this respect therefore. Furthermore, neither is it expected that the planning circumstances will change during any temporary period, and so this is not a reason to offset what is otherwise a very clear policy position. Finally, there is no 'longer term' proposal for this land that it might otherwise be appropriate to allow a temporary siting in the meantime.

34. It can be concluded therefore that none of the reasons indicated within the NPPG as being circumstances that might otherwise justify a temporary permission are relevant in this regard. The outcome is that determination should be made in accordance with the Development Plan, which for the reasons set out above, clearly indicates refusal.
35. The applicant further argues that the permission should be made personal to them. In this respect paragraph 015 of the NPPG states that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. However, the reason cited by the applicant to justify the need for the residential static caravan relate to his personal circumstances and whilst of course respected these are not in planning terms deemed in any way exceptional and therefore are not considered to outweigh the strong policy conflict detailed above.
36. As a consequence, neither the suggestion that the proposal be allowed temporarily, nor the suggestion that it be granted on a personal basis, are sufficient to outweigh the strong policy conflict identified above.

Design and impact on character

37. Policy DM2 states that proposals for all development should recognise and address the key features and the character of the areas within which they are to be based and policy DM22 states 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. Furthermore, policies CS2 and CS3 of the St Edmundsbury Core Strategy support this by stating that a high quality, sustainable environment will be achieved by conserving and, wherever possible, enhancing the character and quality of local landscapes, making a positive contribution to local distinctiveness, character, townscape and the setting of settlements and new development must create and contribute to a high quality, safe and sustainable environment, with proposals expected to address the understanding of the local context and how it will enhance the area.
38. Whilst the design of the static caravan, with its relatively simple, single storey form, is not deemed inappropriate per se, it remains of an inherently utilitarian appearance, and the siting of a residential structure in what is currently a paddock in the countryside is considered to be out of keeping with and harmful to the wider rural character of the site and area. The tall hedge to the north of the site does provide some screening of the proposed development, however, with the existing gap in the hedge to the west of the site, this will allow views of the proposed static caravan and any paraphernalia associated with a dwelling, which will

result in an urbanising effect and encroachment into the countryside. Therefore, the proposal is considered to be contrary to policies DM2, DM22, DM27, CS2 and CS3.

Impact on neighbouring amenity

39. Policies DM2 and DM22 seek to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. Policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.
40. Three neighbour objections were received during the course of the application from occupiers of houses within the terrace known as Denbies, which are located to the south of the application site. The objections raised concerns regarding the proposal's risk at impacting their amenity due to increased noise issues and light pollution.
41. Due to the degree of separation between the proposed static caravan and the residential dwellings to the south of the site, paired with the proposal's single storey height and modest scale, officers do not consider the proposed development would have an adverse impact on the neighbouring amenity of any of the nearby dwellings by reason of overlooking, loss of light, increased light pollution, noise pollution nor an overbearing sense. The static caravan is positioned to the eastern side of the site, away from the neighbouring residential properties and with a fence and vegetation on the southern boundary of the site, this would provide further screening. Therefore, in terms of impacts on neighbouring amenity, the proposal is deemed to be acceptable.

Highway impact

42. Policy DM2 states that proposals for all development should produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
43. Initially the Highways Authority required further clarification regarding which access the proposal would be using for vehicles, as the proposed block plan indicated that there is an existing field access directly from the existing paddock onto the B1111, which they were not supportive of. However, it was confirmed that the only vehicular access to be used would be the existing vehicular access for Hillcrest Nursery, to the south west, which the Highways Authority have no objections to. Three conditions were suggested if permission is to be granted; relating to bin storage area and parking, and which should be provided in their entirety prior to the development being brought into use, and for the existing field access to the west of the site to be no more than 1.5 metres in width to ensure it is used by pedestrians only. The proposal is therefore considered to comply with DM2 in this regard.

Other matters

44. During the course of the application the Environment Team advised that based on the information provided and the temporary nature of the proposal, they were satisfied that the risk of contaminated land is low, however, advised that if during development, contamination is encountered which has not previously been identified then the developer should contact the Local Planning Authority. If permission is granted, a condition to control this recommendation is considered reasonable.
45. Policy DM7 of the Joint Development Management Policies Document requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), therefore, if the proposed development is granted it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development, through the use of a condition.
46. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
47. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
48. The applicant has completed the required biodiversity checklist. Sufficient comfort therefore exists that the proposal would not negatively impact upon any biodiversity interests of importance. Enhancement could be conditioned if the matter was otherwise for approval.
49. The trees to the north of the site are non-native evergreen trees of limited amenity value. In any event, the proposal, noting its siting, is not considered to negatively impact upon these.

Conclusion:

50. The temporary siting of a residential static caravan on this site is considered harmful to the character of the countryside and wider area, and conflicts with the provisions of the development plan as a matter of principle. The justification for a temporary and personal consent cited by the applicant are not considered sufficient to outweigh this policy conflict.
51. The proposal is considered to be contrary to the provisions of the development plan, in particular policies DM5, DM26, DM27 of the Joint Development Management Policies Documents and policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy. It is also not considered to accord with the provisions of the National Planning Policy Framework (2019).

52. There are no other material considerations which outweigh the harm arising from the proposal being contrary to the development plan and its impact on the rural character of the area. On this basis the application is recommended for refusal.

Recommendation:

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

1. The St Edmundsbury Core Strategy (2010) via CS13 states that development outside of housing settlements, defined in policies CS1 and CS4, will be strictly controlled, with residential development outside of the settlement boundaries being resisted. The Joint Development Management Policies Document (2015) further supports both the NPPF and Core Strategy through policies DM5 and DM27. DM5 states that areas designated as countryside will be protected from unsustainable development and policy DM27 sets out the strict circumstances where dwellings will be permitted outside of settlement boundaries. The site falls outside of any designated settlement boundaries, showing a dwelling in the form of a static caravan. The proposed dwelling does not front a highway or form an infill within a continuous built up frontage, nor will it form a close knit cluster of 10 or more dwellings. Policy DM26 is not relevant as the dwelling is not for an agricultural, forestry or commercial equine essential worker. The proposal does not therefore meet the provisions of any of these policies and there are no material considerations, including the applicant's suggestions that the proposal be time limited and personal, that outweigh this very significant conflict with the Development Plan.
2. Policies DM2 and DM22 of the Joint Development Management Policies Document and the NPPF attach great importance to good design, expecting new developments to be visually attractive, responding to local character and reinforcing local distinctiveness. Furthermore, policies CS2 and CS3 of the Core Strategy state that a high quality, sustainable environment will be achieved by conserving and, wherever possible, enhancing the character and quality of local landscapes, making a positive contribution to local distinctiveness, character, townscape and the setting of settlements, and understanding the local context and how the development will enhance the area. The paddock where the residential static caravan is proposed, to the north of Hillcrest Nursery, is a rural setting with open countryside to its north boundary. The introduction of a dwelling in this location will have an urbanising impact, resulting in the material and harmful erosion of the countryside. The proposal is therefore contrary to the provisions of policies CS2 and CS3 of the Core Strategy, policies DM2 and DM22 of the Joint Development Management Policies Document and the National Planning Policy Framework 2019.

Documents:

54. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0623/FUL](https://www.dorset.gov.uk/DC/21/0623/FUL)