

## **Development Control Committee 7 December 2022**

### **Planning Application DC/22/0359/FUL – Green Farm, The Green, Hargrave**

<b>Date registered:</b>	16 March 2022	<b>Expiry date:</b>	12 May 2022 (EOT 9 December 2022)
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Hargrave	<b>Ward:</b>	Chedburgh and Chevington
<b>Proposal:</b>	Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing		
<b>Site:</b>	Green Farm, The Green, Hargrave		
<b>Applicant:</b>	Mr and Mrs G Wells		

**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:**

**The application is referred to Development Control Committee following consideration from the Delegation Panel on 1 November 2022. The Parish Council support the application, which conflicts with officer's recommendation of refusal.**

**Proposal:**

1. The application seeks planning permission for the change of use of land to domestic garden, along with the provision of an all weather tennis court and associated fencing. The court will measure 35 metres by 17 metres and will be surrounded by a 2.75 metre high fence.
2. **Application supporting material:**
  - Application form
  - Indicative fencing photo
  - Location plan
  - Block plan
  - Planning statement

**Site details:**

3. The application site sits outside of the designated settlement boundary, within the countryside in Hargrave. The application site contains a large, detached dwelling with a grade II listed status. There is a public right of way that runs towards the west of the site.

**Planning history:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/19/1668/HH	Householder Planning Application - (i) two storey rear extension and (ii) removal of outbuilding	Application Granted	12 November 2019
DC/19/1669/LB	Application for Listed Building Consent - (i) Two storey rear extension (ii) internal alterations and studwork to ground floor (iii) partition to rear wall to create utility room (iv) removal of outbuilding to form opening to hallway into utility area (v) minor adjustments to stud walling to first floor	Application Granted	12 November 2019
DCON(A)/19/1669	Application to Discharge Conditions 3 (roofing slates and schedule of structural works and repairs), 7 (new casement windows) and 8 (new doors) of application DC/19/1669/LB  Condition 3 - specification of roofing slates and	Application Granted	19 March 2020

schedule of structural works and repairs  
Condition 7 - details for replacement of existing windows and doors to existing house  
Condition 8 - details for replacement of internal doors to existing house

#### **4. Consultations:**

##### **Conservation Officer**

No objections.

##### **Public Rights of Way**

No objections.

##### **Public Health and Housing**

No objections.

##### **Hargrave Parish Council**

Support the application but would like to add a condition to it being granted that no lighting be permitted.

##### **Representations:**

##### **Neighbours**

No representations received.

##### **Policy**

5. 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.

##### **Joint Development Management Policies**

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM15 Listed Buildings

Policy DM25 Extensions to Domestic Gardens within the Countryside

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Hargrave Neighbourhood Plan

Policy HAR6 – Protecting the Landscape Setting of Hargrave

Policy HAR10 – Village Character

**Other planning policy:**

6. National Planning Policy Framework (NPPF)
7. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

8. The issues to be considered in the determination of the application are:
  - Principle of development
  - Impact on character and appearance of the area
  - Impact on residential amenity
  - Impact on listed building

**Principle of development**

9. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
10. Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.
11. The application firstly seeks planning permission to extend the area of domestic garden in an area of countryside as defined by planning policy. The area proposed appears to be separated from the current garden area of the property. The relevant policy in this case is policy DM25 which deals with extensions to domestic gardens within the countryside and states that:

*Extensions to domestic gardens within the countryside will not normally be permitted. Small, unobtrusive extensions of residential*

*curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside will be permitted where the following criteria are met:*

- a. the development will not involve the loss of the best and most versatile agricultural land;*
- b. the proposal will not involve the loss of an important hedgerow or other important landscape feature;*
- c. there will be no significant detrimental effect upon biodiversity interests; and*
- d. that provision is made for suitable landscaping to ensure boundary treatment is of an appropriate rural character and appearance.*

12. Noting the context of the site officers are satisfied, that the garden extension proposed meets the relevant test of DM25 that it be 'small'. However, the test of whether the extension proposed is 'unobtrusive' is a matter that it best considered with reference to the following section relating to character and appearance. The land is considered to be grade three agricultural land but the available records do not indicate if this is 3A (which is considered to be 'best and most versatile', or Grade 3B (which is not). Nonetheless, noting that neither the application site nor the wider parcel of land are currently in agricultural use, and noting also that the development is generally reversible, this is not a matter that is considered to weigh heavily against the scheme in the balance of considerations. Noting the existing boundary treatments and nature of the site, it is considered that provision can be made for suitable landscaping to maintain the rural character and appearance, along with removal of permitted development rights. The change of use of land is therefore considered acceptable in principle but consideration is given below to the impact on the visual amenity and character of the area.

### **Impact on character and appearance of the area**

13. Development such as the provision of tennis courts will need to be in accordance with policy DM2 which requires proposals to respect the character and appearance of the immediate and surrounding area, and ensure that there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
14. Hargrave's neighbourhood plan was 'made' (adopted) in July 2018 and given the location of Hargrave on a relatively high level, views into and out of the village are of high importance to its character and sense of rurality. Development that does not have regard to its potential impact on these views could have a significant detrimental impact on the setting of the village. As such, policy HAR6 within the neighbourhood plan deals with protecting the landscape setting of Hargrave and states that outside of the housing settlement boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. Proposals should not have a significant adverse impact on the landscape setting of Hargrave nor should the proposal result in the loss or erosion of an important settlement gap.

15. The Hargrave Neighbourhood Plan identifies where the important and 'key views' are and in this instance, a relevant 'key view' runs along the public right of way towards the west of the site. The provision of an artificial surface to the court, with coloured lines, plus a fence which is 2.75 metres in height, is considered to represent a dominant and utilitarian feature within the context of this site, and it is considered that views of the court and fencing would be extremely visible from the public right of way that runs close to the site. Officers therefore hold strong reservations noting the prominence of the tennis court in this location and the tall fencing associated as such, in line with an important view as identified within the Hargrave neighbourhood plan. The provision of a tennis court and associated fencing is considered to interrupt this important key view in a way that will be intrusive and materially harmful to it, and to the setting of the village as a result. This harm is further exacerbated by the prominent and stark appearance of the tennis court and associated fencing which officers consider to conflict with the requirements of policies DM2 of the Joint Development Management Policies Plan and HAR6 of the Hargrave Neighbourhood Plan, which seeks to protect and avoid the loss of an important settlement gap and allowing distinctive views of the surrounding countryside from public vantage points to be retained. As a result the proposal is also not considered to be obtrusive and there is also therefore conflict with DM25.
16. Further to the above, policy HAR10 of the Hargrave Neighbourhood Plan deals with village character and states that to maintain the character of Hargrave, all new developments should ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials.
17. New development proposals require careful and detailed consideration, particularly where they could impact upon the general aspiration of the local community to maintain its unique rural and unspoilt character as far as possible. It is accepted that to attempt to 'preserve the village in aspic' and prevent all new development is both unrealistic and ultimately detrimental to the future health of the village, its community and its facilities. However, this should be balanced with the view that any future development should be appropriate to the size of the village and the maintenance of its character as a small rural community. Hargrave is a diverse mix of areas of development set within a wider rural landscape, and the proposed development is considered to change the character of the village irreversibly and result in the loss of distinct key views as identified within the Neighbourhood Plan, as further explained above.

### **Impact on residential amenity**

18. Noting the scale of the plot and location of the tennis court, it is considered that the proposed development would not adversely impact the residential amenity of occupants of nearby dwellings.

### **Impact on listed building**

19. 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 architecture or historical interest which it possesses.

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 respect the setting of a Listed Building. In this case, the host dwelling is grade II listed.

20. The land in question is beyond the domestic garden of the property and is separated from it by existing vegetation. This vegetation would screen views of the tennis court from the street and from within the garden of the house. Views of the property and tennis court location from the public right of way to the west of the site are generally well screened from the listed building itself, except from the gate at the south end of the path, due to the dense planting along the boundary of the property with the path. From the gate, there is a view of the southern end of the tennis court site and it is this view in which the concerns set out above are held by Officers, the house is not visible within the same context. The conservation officer is therefore satisfied that the tennis courts and associated fencing would not harm the setting of the listed building and as such, offers no objections to this application.

**Conclusion:**

21. In conclusion, the development is considered to be unacceptable and fails to comply with relevant development plan policies, in particular Policies DM2 and DM25 of the Joint Development Management Policies Plan and policy HAR6 of the Hargrave Neighbourhood Plan, and the National Planning Policy Framework as discussed above.

**Recommendation:**

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

1. Given the location of Hargrave on a relatively high level, views into and out of the village are of high importance to its character and sense of rurality, as reiterated within the Hargrave Neighbourhood Plan. Development that does not have regard to its potential impact on these views could have a significant detrimental impact on the setting of the village. As such, policy HAR6 within the neighbourhood plan deals with protecting the landscape setting of Hargrave and states that outside of the housing settlement boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. Proposals should not have a significant adverse impact on the landscape setting of Hargrave nor should the proposal result in the loss or erosion of an important settlement gap. Policy HAR10 of the Hargrave Neighbourhood Plan deals with village character and states that to maintain the character of Hargrave, all new developments should ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials.

The Hargrave neighbourhood plan identifies where the important and 'key views' are and in this instance, a relevant 'key view' runs along the public

right of way towards the west of the site. The provision of an artificial surface to the court, with coloured lines, plus a fence which is 2.75 metres in height, is considered to represent a dominant and utilitarian feature within the context of this site, and whereby views of the court and fencing would be extremely visible from the public right of way that runs close to the site. Strong concerns are therefore held noting the prominence of the tennis court in this location and the tall fencing associated as such, in line with an important view as identified within the Hargrave Neighbourhood Plan. The provision of a tennis court and associated fencing is considered to interrupt this important key view in a way that will be intrusive and materially harmful to it, and to the setting of the village as a result. This harm is further exacerbated by the prominent and stark appearance of the tennis court and associated fencing which officers consider to conflict with the requirements of policies DM2 of the Joint Development Management Policies Plan and to HAR6 of the Hargrave Neighbourhood Plan, which seeks to protect and avoid the loss of an important settlement gap and allowing distinctive views of the surrounding countryside from public vantage points to be retained.

New development proposals require careful and detailed consideration, particularly where they could impact upon the general aspiration of the local community to maintain its unique rural and unspoilt character as far as possible. It is accepted that to attempt to 'preserve the village in aspic' and prevent all new development is both unrealistic and ultimately detrimental to the future health of the village, its community and its facilities. However, this should be balanced with the view that any future development should be appropriate to the size of the village and the maintenance of its character as a small rural community. Hargrave is a diverse mix of a settlement set within a wider rural landscape, and the proposed development is considered to change the character of the village irreversibly and result in the loss of distinct key views as identified within the Neighbourhood Plan.

As a result the proposal is also not considered to be unobtrusive and there is also therefore conflict with DM25.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0359/FUL](https://www.hargravevillage.org.uk/DC/22/0359/FUL)