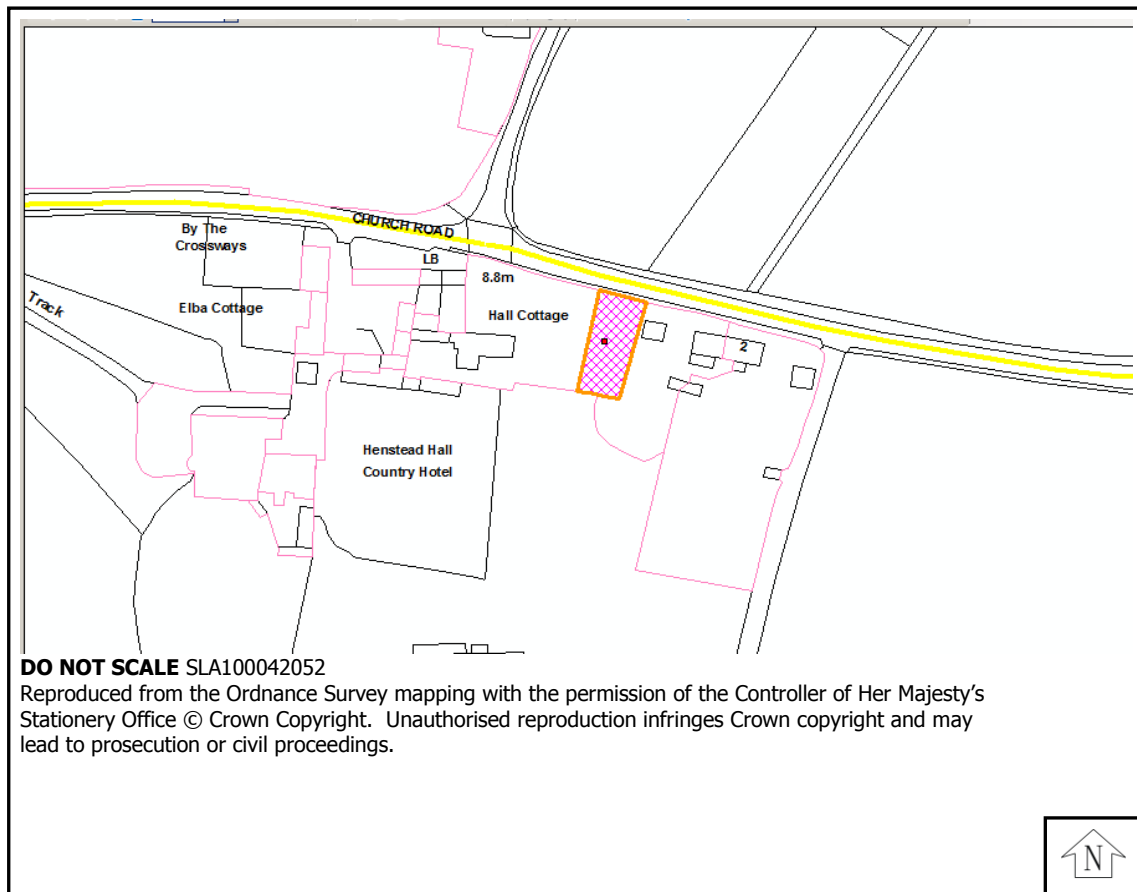


PLANNING COMMITTEE – 13 SEPTEMBER 2016**APPLICATION NO DC/16/0533/FUL****LOCATION**

Land Adjacent Hall Cottage
 Church Road
 Henstead
 Beccles
 Suffolk
 NR34 7LD

EXPIRY DATE 14 April 2016
APPLICATION TYPE Full Application
APPLICANT Carat Developments Limited

PARISH Henstead With Hulver Street
PROPOSAL Construction of 1 No. detached house

**1 SUMMARY**

- 1.1 This application was due to be considered at the April Committee, but was withdrawn from the agenda at the applicant's request to enable him to submit further information. This information is referred to in this report.

- 1.2 The application was then placed on the agenda for the July meeting, but withdrawn from it following receipt of a plan showing a shared access which led to the withdrawal of the highways objection.
- 1.3 The application proposes the construction of a dwelling in the grounds of Hall Cottage, a listed building. The main issues for consideration are planning policy, the impact upon the setting of the listed building and residential amenity.
- 1.4 The application comes before the Committee as a result of a call-in request and was the subject of a member site visit on 11 April.

2 SITE DESCRIPTION

- 2.1 Hall Cottage is a thatched cottage which is listed grade II. There is an existing vehicular access from Church Road. To the east there is a pair of semi-detached cottages (Yew Cottage and 2 Church Road – the former being the home of Henstead Exotic Gardens). To the west there are two dwellings close to the road which share the same access (“St Helena” and “By the Crossways”, with two further dwellings behind (“Wensum Cottage”, Caroline Cottage, Victoria Cottage and “Elba Cottage”). All these dwellings were originally associated with Henstead Hall, which is located at the rear of the site and is also listed grade II.
- 2.2 The site is outside the Area of Outstanding Natural Beauty, which starts on the opposite side of Church Road.

3 PROPOSAL

- 3.1 The proposal is to construct a dwelling at the eastern end of the curtilage of Hall Cottage. In the latest amended scheme a driveway would be provided within the site to link to the existing driveway, allowing both the existing and proposed dwellings to use the same existing access.
- 3.2 The proposed dwelling would have a T-shaped footprint with the front of the building ‘sitting’ parallel to the road and a large rear wing at right angles to the front element. The dwelling would be 1½ stories, having rooms in the roof. The agent has confirmed that the segment at the front of the building would be painted brick in line with the immediate neighbours of Yew Tree and Hall Cottages. The rear segment would be a rendered finish of the same colour – the colour suggested is ‘Suffolk Pink’ to match Hall Cottage.
- 3.3 The plans show three bedrooms on the upper floor with a “guest bedroom” on the ground floor.

4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** 24 representations have been received – 22 objections and two in support.
- 4.2 The objections are from:
- 4.3 St Helena, “Since Hall Cottage currently displays a For Sale sign, it must be concluded that the present application is for the sole purpose of increasing a possible sale price without regard to the suitability of the site or any other relevant issues. I therefore object”.
- 4.4 *Note: the applicant’s motives are not a planning issue.*
- 4.5 Teggars Barn, Hall Farm Lane: “I agree with the objection of the Highways Authority, that the plot suggested is too narrow to allow safe vehicle access. The road is becoming increasingly dangerous with the very mixed use (horses, farm traffic, large delivery lorries,

people trying to walk their dog on a road with no pedestrian safe areas, etc.) and access from this tiny plot will be an additional hazard. I also find the supporting documents very flexible with the truth. I don't think one bus a day really rates as 'regular public transport', and the village facilities are the product of a very strong imagination. The count of staff at the (£3k a year) private school is also way off - one member of staff is listed in six different roles, and should not count as six people. As to demand for housing, it is worth noting that a new house similar to the one proposed here was built roughly a year ago, and has remained empty, and is just a short distance along the road from this plot. The intention to develop a building plot which is right up against the very successful and popular Exotic Garden would also be a blight upon their valuable contribution to the village”.

- 4.6 Henstead Exotic Gardens: “Please note my objection to this proposal. The reasons affect both my living conditions at my property as well as my business in the running of my garden, Henstead Exotic Garden.
- 4.7 The proposed construction is both far too large, totally dominating a tiny rural plot as well as being potentially the first new property in our hamlet for over 200 years, ruining the lovely rural setting.
- 4.8 Let me start with the effect it would have on my business, The garden is world renowned, having featured on national television many times on Gardeners World, National Geographic, Look East and most recently ITVs Britain’s Best Garden where the top garden expert in the UK, Alan Titchmarsh voted it number one!! I will leave his quotes out for the time being suffice to say he wrote on my behalf to you at Waveney when I had my planning situation a year ago, as well as 25/20 other individuals. Thousands of others also signed petitions in favour of the garden as you may remember.
- 4.9 As well as being featured in every national newspaper including The Daily Telegraph the garden was featured in a book of some of the world’s best gardens, entitled "Inspirational Gardens". These were crème de la crème gardens including some that are World Heritage sites such as Villa D'Este in Rome, created in the 16th century, Daitokuji Temple Gardens in Japan which has been a deeply religious site since 1320. On the back cover of this prestigious book is the Alhambra in Spain, which as well as being a famous garden has been a huge part of Spanish history, having been there for some 1,000 years. On the front cover of this book is my garden in little old Henstead, now being threatened by a two bob Barratt style abomination next door!! Can you see this being built overlooking one of the previously mentioned world famous gardens?
- 4.10 This garden, totally unique almost anywhere in the UK never mind East Anglia deserves a little protection. Certainly from a property development a couple of feet from the boundary. The construction alone would totally destroy the visitor experience to the garden that the area demanded when I was given permission to continue the garden as a business by Waveney District Council last year. You may remember that the planning committee voted in favour of the garden by 14 to nil last year and would hopefully vote the same way against this purely money making idea. I appreciate that the world moves on. We have had major work going on at the back and sides of the garden at Henstead Hall, which is part and parcel of everyday progress, however a giant Barrett home overlooking the privacy of this famous garden is one that myself and my many friends of the garden will fight.
- 4.11 I have some 500 plus people on my e mail account for the garden as well as many thousands of visitors who would be appalled that the garden would potentially be subject to such a thoughtless proposition if they were to be informed. If the planning were to go ahead and building works to be during the spring/summer season, we would have no other choice than to CLOSE the garden for that entire season as I could not subject my visitors to such noise etc. We have had many favourable reviews on Trip Advisor. Just one or two bad ones could have a seriously detrimental effect on the garden, and I cannot take that chance. This would again be picked up on by the local and indeed national press as what happened last year when the gardens planning issues made the front cover of the Beccles

and Bungay paper at least once. This publication as well as numerous other national publications would cover this story leading to embarrassment etc.

- 4.12 The garden is known for its tranquillity and peace and has disadvantaged groups as well as local school visits over the years. This would be totally ruined by the building works, the garden being overlooked etc.
- 4.13 Last year we had issues with a neighbour being concerned by visitors to the garden. I am concerned that this potential new build could be an issue again for the garden with the potential new neighbour living cheek by jowell with the garden, right on top of it, creating another potential blockage
- 4.14 Also concerns must be given for another potential danger on the busy road especially say when I have one of my open days. My visitors may be coming to the garden from a newly installed gateway opposite the garden which will be exactly in line for potentially new owners of this property backing onto or into my visitors to the garden. A very real hazard here
- 4.15 Finally there are many issues in the attached letter supporting this application. The village is not as painted a thriving busy village with shops, public transport etc. It is a spread out hamlet with no shops and virtually NO public transport. The village hall is in fact in the next village, the school is in fact a PRIVATE school with barely 50 pupils never mind 50 teachers as mentioned. Some of the businesses are now defunct including the recording studio and the cafe and other part time craft places are over a mile away!
- 4.16 The proposed development would not be in any way useful to the village of Henstead, probably attracting somebody that would probably work away from the area and in the price bracket that the house would sell for certainly could not afford to live there on the minimum wage of the tiny amount of local business would afford to pay!
- 4.17 I have not even touched on the issues to my living standards at the property however I feel the main MATERIAL facts objecting to this ludicrous scheme relate to the detrimental effect it would have on my legally approved business and WORLD RENOWNED garden”.
- 4.18 Corner Cottage, Toad Row: I am writing to object to the above planning application. Hall Cottage in church road is a grade II listed building and building a 3/4 bedroom detached house will mean loss of privacy, extra noise and over development.
- 4.19 The house is up for sale and owners are going after planning permission but once house is sold they will be leaving the locals with all the extra hassle. I notice there are 2 supporters, one from the partner who lives at the house that has applied for planning permission, Dr Steven Carnaby and a Mr Allan Attoe who is the cousin of Mr Attoe who has put in the planning permission and he has moved to Carlton Colville from Hulver so any house that might be built in Henstead will not bother him at all. Surely only local people can support or object?
- 4.20 The village is a tight community and having a local putting in planning for a house in the grounds of a house they are selling, then they are not thinking about the effect it will have on the locals who are staying put.
- 4.21 Address not stated: I am astonished at Mr. Richard Attoe’s application to turn his lawn into a separate plot and sell it for housing.
- 4.22 1. It will ruin the appearance of what is the prettiest house in the village because it will be all out of proportion in the row of houses in which it stands.

- 4.23 2. It is quite tricky getting a vehicle out of any of the drives in Church Road. As a cyclist I have had several near misses from cars emerging from them. One more simply increases the hazards. Highways are right to object.
- 4.24 3. Henstead is not the bustling mini-metropolis the applicant suggests. Bus services are limited to one a day to Beccles and merely pass through the Church Crossroads on the edge of the village. The service is not convenient for e.g. supermarket shopping. Henstead is not even listed in the stopping places in the Borderbus timetable. The school has 20, not 50 teachers and is a fee-paying private school drawing nearly all its pupils from outside the village. The village hall is not the Henstead Village Hall but the Hulver Village Hall and is a mile away from Henstead. (Henstead and Hulver are two separate villages although they form one parish with one parish council). It is true there is a cafe in the Craft Centre in Toad Row.
- 4.25 4. It is extraordinary that the Exotic Garden is mentioned as an asset to anyone buying the property as the applicant has spent most of his time here in litigation against the owner of the garden. (for reasons most of us in the village view as entirely spurious)
- 4.26 5. The applicant's two supporters, Mr. Alan Attoe and Dr. Carnaby are related to the applicant and Mr. Attoe no longer lives in Henstead.
- 4.27 I sincerely hope this application will be rejected.
- 4.28 21 Halesworth Road, Reydon: I wish to add my objection to the proposed planning application. In my view as a frequent visitor to Henstead, this application is totally out of keeping and extremely dangerous on such a busy road, this application can only represent a mischievous and utter disregard for the surrounding area. I urge you to reject it.
- 4.29 Lime Tree House, Whatfield Rd. Elmsett: We would like to submit an objection to a proposed house on the land adjacent to Hall Cottage, Church Rd. Henstead. We visited the Henstead Exotic Garden yesterday and heard of the proposal. The garden even at this time of year is incredible, a very popular garden and has very good reviews from National papers and garden magazines. Its isolation is one of its appeals and it seems a real asset to the village.
- 4.30 Having seen the plot the size of the house on such a small piece of land seems inappropriate and not in keeping with the village and certainly far too close to the garden.
- 4.31 Joyce Road, Bungay: I write in connection with the above application. I would like to point out that the land is not Adjacent to, but is the property of Hall Cottage, and is on sale with the object of the construction of a new house.
- 4.32 Not only do I consider that this would be detrimental to the village of Henstead, I consider it too small a plot of land for anything other than a large garage. The land concerned fronts onto a very busy bus route and would require direct access to Church Road and the building works cause serious disruption on an occasionally dangerous thoroughfare carrying cars, buses, lorries and horses and with no pavement.
- 4.33 Apart from the necessity of furnishing a water supply and electricity, one wonders where the mains drainage would connect. I understand the cottages either side of this newly created plot of land each have a septic tank. Is there sufficient space on the said plot to accommodate a septic tank?
- 4.34 Quite inappropriate. I object.
- 4.35 Green Lane Barn, Beccles: Our objections are that for the size of the proposed house on this small site it is far too big and vehicle access would be another hazard for walkers,

horses, cyclists, etc. Also would it not be far too close to the neighbouring property the Henstead Exotic Garden.

- 4.36 21 Wilson Road, Hadleigh; I recently visited Henstead Exotic Garden. I was impressed by the peaceful and meditative qualities of this garden, one could almost imagine one was in a jungle! I was however very shocked to hear that planning permission is being sought to build a detached house on a very small plot of land right next to these gardens. I think this would be most unacceptable, and I understand that the owner of Henstead Exotic Garden, Andrew Brogan, is very worried about the possibility of a new building so close to his lovely garden, and all that the building would involve. I would therefore like to raise my objection to this application.
- 4.37 Wensum Cottage: I would like to write to you to oppose the development. I am shocked at the scale of the proposed house and amazed considering the tiny plot that is to be built on. Also I fear that the new development, which would be the first new house in 100/200 years in that particular area of the village would infringe and totally disrupt the very popular exotic garden and the tranquil nature of the garden and its day to day operations.
- 4.38 Rowan Cottage, Lily Lane: As volunteer supporters of Henstead Exotic Garden we wish to register our objections to the proposed construction of a detached property on the land adjacent to the garden and Hall Cottage. The close proximity to the boundary between the proposed site and the garden will inevitably lead to ongoing concerns with boundary issues, and furthermore, the new house has high level windows on East and South elevations which will inevitably lead to loss of privacy to Mr Brogan. Neither are details are given in the application as to which party is responsible for maintenance of this boundary. Having read the response of the Parish Council, it seems clear that the development does not comply with the local development plan. We therefore object to this application.
- 4.39 Current address not stated; I lived in Henstead Hall since 1960 until my Father died in 2011. The Exotic Garden is a beautiful and tranquil setting which has been built up from nothing by Andrew Brogan. My Father sold Mr Brogan some land for this to happen and to make this the successful garden it is today! I am writing to object to the above application and I am surprised at the size of the proposed house on such a tiny plot. A new development in this particular area of Henstead would disrupt the Exotic Garden which is popular and an asset to Henstead.
- 4.40 Henstead Hall West: I am particularly interested in the Heritage and preservation of listed buildings, being an owner of a listed building myself and which I take an inordinate amount of responsibility to ensure its continuing heritage. As owners of Listed properties, we act as the Guardians to ensure that nothing detrimental would harm the character and appearance of the architectural or historic interest of their Grade II listing and this includes their surroundings. I therefore oppose the planning permission to erect a new building on the previously owned curtilage belonging to a Grade II property and would stress the point that to squeeze a new build so close to the original Property will add to its eventual demise. The proposed building application sits right on the garden that was originally the Head Gardener's property of the Grade II Listed Henstead Hall. Most of the properties in this small village form part of the Heritage buildings that were owned by this Estate. Acting as a Guardian to this estate, my foremost concern is to see that 'Conservation and Heritage' is preserved
- 4.41 2 Church Road Henstead: The proposed new build plot would be totally out of character with existing dwellings and would not compliment the historic look of the village. We also agree with the Highways Authority that the plot is too narrow for safe vehicular access. As the property is currently up for sale this raises concerns as to why an application has been made and the proposed purpose of a new build.
- 4.42 Resident of Benacre Road Henstead I wish to object to the above mentioned planning application, based on the following grounds. Firstly, having seen the proposed plot, I

cannot imagine how there is enough room to build a small garage let alone a 3/4 bed roomed house. Hall Cottage is a beautiful old thatched house, in my opinion, if a house were to be built in such close proximity to the main house, it would be a blot on the landscape and look totally out of place and character. In previous dealings that I have had with the planning office, I was led to believe that you cannot build in front of an existing house, if this is the case then I struggle to see how this can be passed, (please correct me if I am wrong in this matter). The new proposed house looks too close to the boundary of the adjacent Exotic Garden Centre, (two feet, I believe), I wonder how the proprietor feels about this? I also want to agree with the comments of Mr David Douce in that Henstead does not have the facilities that the applicant is claiming it to have. Henstead is a beautiful village and whilst I am not opposed to changes in the landscape, we must ensure that any change is tasteful and in keeping with the existing character of the village which is an area of outstanding natural beauty.

- 4.43 Address not stated: I am writing to voice my objection to the above planning proposal. I am very familiar with Henstead, and I think the application should be refused on a number of counts. The road is already hazardous due to the speed of traffic in this rural area, poor visibility and concealed driveways - the proposal adds to these problems. The house is out of scale with the plot and designed with consideration of neighbouring properties, and so I believe it represents overdevelopment of the site. The design is also unsympathetic to the period charm of other properties in the area and to the countryside setting. I object to planning permission being given for this piece of land. Any development on this land would need to be shoe horned in. This would be detrimental to the new residents of Hall Cottage, once sold, and to The Exotic Garden.
- 4.44 Address not stated The Exotic Garden is a very successful business run by Mr Andrew Brogan. This business is a valuable contribution to the village. If planning were to be given, it would be so close to the garden, therefore create a major disturbance and loss of privacy.
- 4.45 1 Benacre Road, Henstead. We strongly object to this planning proposal for the following reasons. 1. A new house between two cottages, of which one is thatched would be unsightly and totally out of character for this area of the village. 2. The land for the proposed plot is far too small between properties and may pose a fire risk to adjacent thatched property. 3. Access to the property would have to be granted off an extremely busy road. 4. Henstead has very few buildings of outstanding character to build so close will ruin this forever.
- 4.46 Low Pasture Farm, Hulver Rd, Henstead. We are writing to object to the proposed construction of the above 3/4 bedroom house adjacent to Hall Cottage. We feel the property is too large for the plot and too close to the boundary of Henstead Exotic Garden. Visual access onto Church road from the property would be very restricted. The removal of the beautiful hedge (which must be several hundred years old) who be a great loss to the wildlife, and loss of charm to the area. As the village has no public transport, the front of the proposed house, could become a parking area, the plans showing no provision of garaging.
- 4.47 2 School Cottages, Toad Row, Henstead. The plot is too small for the proposed build and vehicle access on to a road that is getting increasingly dangerous would be a definite hazard. The intention to build right up against the popular and successful Exotic Garden would have a detrimental impact on this business which makes a valuable contribution to village life.
- 4.48 The two letters of support come from:
- 4.49 An occupier of Hall Cottage (not the applicant): "As an individual who has spent three years and several thousand pounds renovating and preserving Henstead's oldest home, it's clear

if anyone should have some opinion upon the above proposal, it should be me as it is my home that is most affected.

- 4.50 I wholly support and endorse this application for the following reasons;
- 4.51 The Architect, Developer, Planning Agent and Heritage Consultant are to be congratulated on the work and result they have achieved in creating a tidy, pleasant looking home which contains design elements specifically connected to Hall Cottage and Henstead Hall.
- 4.52 If individual building projects such as this are to be encouraged by National Planning Policy and Waveney's 'Self & Custom Build Consultation' created by the The Self-Build and Custom Housebuilding Act 2015, then I would much rather see a project meticulously planned and organised such as this rather than the 'build first, apply for consent later' doctrine that seems to be exploited in this area.
- 4.53 The project is an opportunity for a self-builder to create an individual home in a sought after setting. I'm pleased to do my bit creating opportunity for local trades (many of whom I have used on the renovations of Hall Cottage). They understand the setting and are sympathetic to the nature of the surroundings.
- 4.54 The very nature of the plot size means the scale of the build is under complete control and at ease with the setting. There is no loss of amenity to Yew Tree Cottage or Hall Cottage.
- 4.55 The plot itself used to be the compost heap to the gardens of Henstead Hall. It is now the rough end of my garden and is fringed by the unkempt 1980's built garage of Yew Tree Cottage, a neighbouring oil tank and a dumping ground for plastic plant pots and pallets from the neighbouring bamboo garden.
- 4.56 The proposal complies with every planning policy relevant to a build such as this and I politely request Planning Officers see the proposal in the positive light, to which its creation is intended".
- 4.57 Crown House, The Street, Hulver: I write to endorse and support the above referred application. As a homeowner in the parish I am genuinely concerned at the lack of any kind of residential development which, as a parent worries me greatly.
- 4.58 There is all but a minimal supply of local affordable housing. This kind of minor, modest, discreet proposal can only enhance the centre of the parish and albeit in a minimal way, release some pressure on the demand for suitable homes which a younger 'breadwinner' may be able to afford.
- 4.59 Due to the size of this plot, the property is small and cannot be turned into something much bigger, therefore the ideal target for a small young family or first time buyer – individuals this parish clearly lacks.
- 4.60 As a homeowner I fully welcome modest and individual... that some villages are being exposed to and I urge the planners to follow wider policy which also encouraged this kind of development.
- 4.61 **The applicant** has sent a response to some of the objections, which is attached to this report as Appendix 1
- 4.62 **Henstead Parish Council Comments:** The Council recommends refusal of this application for the following reasons:
- 4.63 The Council does not agree with the applicant's supporting statement concerning the properties that constitute a built up and primarily residential frontage (usually a group of at least six properties). The Council is of the opinion that there are only 4 properties that

currently directly front onto Church Road using the indicator that it should be the principal elevation of the property that determines frontage. The Council considers that 2 Church Road, 1 Church Road, Hall Cottage and Wensum Cottage fulfil this requirement but Elba, St Helena, By the Crossways and Henstead Hall do not. If the proposed dwelling were added it would only constitute 5 buildings and therefore does not meet the requirement of 6 for infill development.

- 4.64 In considering whether the application meets the qualifying criteria of either access to local services and facilities or the site is close to a regular public transport service to a town or larger village, the Council is of the opinion that the application does not give accurate information to show that it meets the criteria.
- 4.65 The description of the facilities and services contain some incorrect statements. The “ride and drive” no longer exists, the music and recording studio is also closed, the farmers market at Ellough is not weekly but twice a month, the commercial fishing lakes do not have planning permission for holiday lodges and the Council does not agree that the current commercial units in the village and the school offer “great” employment opportunities. The school has a staff of 19 not 53 with 2 teaching assistants and 3 admin staff. The statement also describes the public car park opposite the site associated with the Henstead Exotic Garden. The “car park” is exclusively for visitors to the Exotic Garden and is subject to strict planning conditions expressly requested by neighbours during a recent planning application.
- 4.66 The second element of DM22 requires access to regular public transport; the support statement cites the BACT scheduled service 532 as evidence that the application meets that requirement. This service is once a week from Henstead to Beccles (as part of a longer journey) at 10.35 am and starting the return journey at 13.50 pm. The Council does not think that this constitutes access to a regular public transport service.
- 4.67 The Council considered the impact of a proposed building on the setting of a listed building, whilst the Council agrees that the design has some similar features to the listed building and one of the mews cottages (former stables to the Hall) it will have detrimental impact. The site will become more open when the entrance is put in, increasing the visual impact of the new build. The Council is further concerned that the entrance to the site is too narrow and should be widened to improve safety when exiting the property.
- 4.68 The Council is concerned that the supporting statement describes the proposed new build as “A property of modest size” and providing on the ground floor a hall way, kitchen diner, guest bedroom and lounge. The first floor shall provide two bedrooms, ensuite and bathroom. Whereas the architectural drawings show an addition of a WC on the ground floor and three bedrooms and a dressing room (area) on the first floor. The Council feels that this contradicts the statement that this is a modest house suitable for a “starting family” or “an older couple downsizing” being a four bedroom detached property. The Council also feels that this application will not bring “income and economy” into the village since the level of amenities is so small. Based on the information and reasons stated above the Council recommends most strongly that this application is refused.
- 4.69 **Essex and Suffolk Water PLC** were consulted on the 24 February 2016.
- 4.70 **WDC Environmental Health - Contaminated Land:** The author of the “Pre Determination Questionnaire and initial risk assessment in relation to land contamination for sites with sensitive end use” has not identified any sources of contamination likely to impact upon the site. However, I would advise the LPA to impose a planning condition requiring the reporting of any suspected contamination encountered during development.
- 4.71 “In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a

scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

- 4.72 Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.”
- 4.73 **Waveney Norse - Property and Facilities** were consulted on the 24 February 2016.
- 4.74 **Suffolk County - Highways Department:** *(latest response to amended plan)*: The idea of a shared access would be more appealing. Please see the attached conditions that we recommend.
- 4.75 Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- 4.76 Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
- 4.77 Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.
- 4.78 Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 4.79 Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
- 4.80 Condition: The hedge along the highway frontage of the site shall be reduced to 0.6 metres above the level of the adjacent carriageway before any development commences.
Thereafter it shall be retained at or below that height.
- 4.81 Reason: In the interests of highway safety in order to maintain intervisibility between highway users.
- 4.82 Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway.

4.83 Reason: In the interests of highway safety, to avoid obstruction of the highway and provide a refuge for pedestrians.

PUBLICITY

4.84 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Adjacent to Listed Building,	04.03.2016	24.03.2016	Beccles and Bungay Journal
Adjacent to Listed Building,	04.03.2016	24.03.2016	Lowestoft Journal

SITE NOTICES

4.85 The following site notices have been displayed:

General Site Notice	Reason for site notice: Adjacent to Listed building, Date posted 26.02.2016 Expiry date 17.03.2016
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5 PLANNING POLICY

5.1 The Waveney Core Strategy was adopted in January 2009. Policy CS01 sets the Spatial Strategy for the District. Policy CS02 requires high quality and sustainable design. Policy CS11 considers housing and CS17 the built and historic environment.

5.2 The Development Management policies were adopted in January 2011. Policy DM01 sets physical limits for some settlements. Policy DM02 sets design principles. Policy DM22 considers housing development in the countryside and policy DM30 protecting and enhancing the historic environment.

6 PLANNING CONSIDERATIONS

6.1 This application raises a number of issues, the main ones being:

- Planning policy for new dwellings in Henstead;
- Design and impact on the setting of a listed building;
- Access; and
- Impact on neighbouring residents.

6.2 Planning policy for new dwellings in Henstead. In relation to the first issue, the spatial strategy for the District is to concentrate most new development in Lowestoft and the four market towns, with around 5% of new dwellings being accommodated in seven of the larger villages, which do not include Henstead. Remaining areas of the District, including Henstead, are considered to be “open countryside”, where there is a presumption against new residential development.

6.3 This presumption against new development in the countryside is set out in some detail in policy DM22, but the policy does include some possible exceptions, the one that is most relevant to this application being “infilling”.

6.4 The relevant paragraph of policy DM22 states:

6.5 “Residential development will be permitted in the countryside where it constitutes the infilling of a small gap in an otherwise built-up frontage by no more than two dwellings, where there is access to local services and facilities or close to a regular public transport service to a town or larger village”.

- 6.6 The supporting text to the policy provides further detail:
- 6.7 “Infilling is defined as the filling of a small undeveloped plot in an otherwise built-up and primarily residential frontage (usually a group of at least six properties). A small undeveloped plot is one which could be filled by one or two 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. A plot that could accommodate more than two reasonably sized properties would not be defined as infilling and development would be assessed against Core Strategy Policies CS01: Spatial Strategy and CS11: Housing. An infill site will only be considered appropriate where there is access to local services and facilities, including via regular public transport of at least two return journeys a day to a town or larger village”.
- 6.8 There are several aspects of a development which need to be considered against the criteria set out for this policy. The first is whether the site is part of an “an otherwise built-up and primarily residential frontage (usually a group of at least six properties)”.
- 6.9 Between the applicant, parish council and officers there are three different ways of assessing how many dwellings there are in this frontage. In the “Planning supporting statement” submitted with the application the agent lists all the properties in the area, including the two “backland” dwellings and Henstead Hall, but also notes that if the Council’s figures set out in the pre-application consultation are accepted there would be five dwellings on the “frontage” and the application property would make the sixth.
- 6.10 The Parish Council has used the concept of “principal elevation” to decide which properties should be included. This phrase was introduced in the 2008 revision of the General Permitted Development Order. The Technical Guidance published after the introduction of the new GPDO has this to say about “principal elevation”:
- 6.11 “In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
- 6.12 There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation (for example, on a corner plot), a view will need to be taken as to which of these forms the principal elevation”.
- 6.13 Officers would agree that in this case the “principal elevations” of “St Helena” and “By the Crossways” do not face Church Road. However using this method “Wensum Cottage” is counted as part of the frontage despite being behind other dwellings relative to the road.
- 6.14 Officers have counted those dwellings whose curtilages directly adjoin Church Road, namely 1 and 2 Church Road, “Hall Cottage”, “St Helena” and “By the Crossways” to give an existing frontage of five dwellings. However, it should be noted that the supporting text does include the word “usually” a group of at least six dwellings.
- 6.15 Having considered the existing frontage, the policy next requires consideration of the size of the plot. It is clear that the application plot can only accommodate one dwelling. It is likely that a significantly larger plot would not be acceptable because of the impact on the setting of Hall Cottage, and officers consider that this criterion is met.
- 6.16 Consideration is then required of the site’s access to local services and facilities. This can either be in the village or via a regular bus service. On the latter point, the supporting text

to policy DM22 requires “regular public transport of at least two return journeys a day to a town or larger village”.

- 6.17 It is this issue which the applicant’s additional information mainly relates to and is referred to below.
- 6.18 A check of timetables via the internet confirms that the 532 service, which does connect to Beccles, only operates one service on a Wednesday, so this would not meet this aspect of the policy.
- 6.19 This leaves services and facilities in the village. There are some quasi-retail outlets on the Henstead Arts and Craft site, including a café, but nothing which would provide day to day necessities, and there are no other shops. Henstead Old School is a private school so it is reasonable to assume that the majority of school children must travel elsewhere to attend school.
- 6.20 Assessing all these factors leads to the conclusion that this site does not meet the criteria for infill development set out in policy DM22.
- 6.21 Design and Impact on the Setting of the Listed Building. The second main issue is the design and impact on the setting of Hall Cottage, a listed building. This application was the subject of pre-application discussions and at that stage the Design and Conservation Officer considered that the proposed dwelling failed to take account of the prevailing grain of the area in which it would be sited, where buildings are linear in form with roof ridges running parallel to the road, and sit in generous plots. The proposed dwelling would therefore have been out of keeping with its neighbours, in terms of its design, its orientation and its plot size.
- 6.22 However the application submission is clearly substantially improved in design terms since the pre-application submission and on balance, the officer no longer recommends refusal.
- 6.23 Access. As noted above, SCC highways originally recommended refusal because of the restricted visibility from the proposed access. However, following the submission of a revised plan showing a shared access highways have withdrawn their objection and now recommend conditions.
- 6.24 Impact on neighbouring residents. This relates primarily to the impact on Yew Cottage and the associated Henstead Exotic Gardens. Officers consider that the impact of the development on the tranquillity of the garden is capable of being considered a material consideration; however it is for members to determine how much weight to accord it. Clearly it would be unreasonable for the garden operator to seek a veto on all new development in the vicinity of the garden in case it disturbed visitors.
- 6.25 The neighbour is particularly concerned about construction noise; if members were minded to grant permission then a condition could be attached requiring submission of a Construction Management Plan, which could include hours of working, for approval by the Council.

7 Applicants Additional Information

- 7.1 The applicant’s agent has submitted a report setting out his comments on the Committee report. The complete document can be viewed via the “public access facility” at: <http://planningpublicaccess.waveney.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=O28MUSQXHW900>
- 7.2 This report provides a summary of the main arguments put forward.

- 7.3 The applicants report says that it seeks to address two questions, namely: 1. Does the proposal meet the criteria for infilling as set out in 'Policy DM22' and the supporting text? 2. Is the development an unacceptable risk to highway safety?
- 7.4 The report argues that the proposal would not be located within the open countryside. It refers to a recent legal case where residential garden land outside built-up areas was held to be brownfield land and not greenfield land. It notes that the NPPF states that decisions should take into account the effective use of previously developed land. The report argues that the development should be considered to be on brownfield land as the proposed new dwelling is within the curtilage of Hall Cottage and as such should be considered favourable for development, especially when it is considered that the land is of no environmental value.
- 7.5 The second point made is that policy DM22 states that new residential development will be allowed within an 'infill' plot for 1 or 2 dwellings as part of an otherwise built up frontage. The clear intention of this policy is to allow for 1 or 2 dwellings where the visual impacts would not be significant, as it would be screened in between two other properties and would not be within the open countryside. This proposal relates to the use of a garden area and would not therefore encroach into the countryside.
- 7.6 The report agrees that the supporting text to the policy does say that an otherwise built-up frontage would 'usually' mean where there are 6 or more properties. However, of course this is just supporting text and does not form part of the policy wording.
- 7.7 The report restates the applicant's view that the site is in an otherwise built-up frontage of more than 6 properties, namely:
- Pear Tree Cottage
 - Yew Tree Cottage
 - PROPOSAL SITE
 - Hall Cottage (pink brick wall)
 - Wensum Cottage (unpainted brick wall)
 - St Helena (cream brick wall)
 - By The Crossways
 - Henstead Hall East
 - Henstead Hall West
- 7.8 The report refers to a permission for an infill plot in Hulver (DC/15/1800/FUL) where it is argued that different criteria were applied.
- 7.9 The policy requires access to local services and the report puts forward the following bus services:
- Service 532 to Halesworth and Beccles : Halesworth and Beccles are market towns with a wide range of services and facilities (Wednesdays, once each direction)
 - School Service SJL6 to Beccles (one trip during school terms)
 - The Bus Suffolk Links Pathfinder (Monday to Saturday, 12 trips) connecting to notable settlements of Halesworth, Bungay (Market town), Beccles, Darsham (Rail station) and Wrentham (Larger village).
- 7.10 The report accepts that the bus services individually are irregular, however, they believe that combined bus services should count as a regular bus service to a town or larger village, as there are in total more than 2 return trips a day to a town or a larger village.
- 7.11 The report then goes on to consider local services and facilities and updates the list of services and facilities submitted previously:
- School - 'The Old School' Henstead, which is an independent prep school for ages 2.5 to 11 years for boys and girls

- The 'Ride & Drive' is closed and has been replaced by 'Annabelles Equestrian' providing activities and employment for the local area.
- There are a variety of facilities on offer at Henstead Arts & Crafts Centre. An up to date list includes:
 - Unit 1: "Itsy Bitsy" Doll's Houses and Miniatures
 - Unit 2: "Ruffles" Curtains, blinds, soft furnishings and more.
 - Unit 3: Maggie Walters - Art in Pastels. Commissions and classes.
 - Unit 4: "The Shed" Cafe A vibrant and fresh new cafe serving quality drinks, breakfasts and homemade cakes
 - Unit 5: "The Workbench" Craft workshops and handmade crafts
 - Unit 6: "Fitness Solutions" It does what it says on the can...
 - Unit 7: "Which Craft" Shabby Chic furniture, tactile art, glass, textiles and gifts.
 - Units 8 and 9: "Sue's Indian Fayre". Indian and Indian fusion foods prepared on the premises to eat in or take home.
 - Unit 10: "Roy's All Sorts".
 - The Barn: "Wedding Events Organiser".
 - 'Drives4u' building operation.
 - Henstead St Mary Church
 - Henstead Exotic Garden – Providing recreation and community facilities.

Within 1 mile further services include:

- Crematorium
- Heliport
- Beccles Business Park
- International Farming Grower

- 7.12 In relation to access, the report states that the Applicant is in control of approximately 100m of frontage to the Highway, therefore if time allows, schemes could be invoked to remedy the issue. They would ask for a relevant planning condition on the granting of this application for us to submit a proposal to resolve.
- 7.13 The report also discusses the Parish Council's comments.
- 7.14 The report argues that policies have been applied inconsistently compared to the application previously referred to (paragraph 7.8 above)
- 7.15 The report provides further information on staffing and other matters at Henstead Old School.
- 7.16 The report suggests that a proposal of this size would cost roughly £150,000 to build, and generate approximately £5-7k in Community Infrastructure Levy and a further £1.5k in Council Tax revenues per year to the area.
- 7.17 The reports conclusions are that the proposal comprehensively meets the criteria for infilling set out in Policy DM22 and the supporting text for four reasons:
- 7.18 Firstly, they consider it is clear that the undeveloped plot is in an otherwise built-up and primarily residential frontage of at least six properties. They have counted ten.
- 7.19 Secondly, they consider that there are regular public transport services from Henstead in the form of buses to a town and larger village, namely Halesworth, Beccles, Bungay, Darsham and Wrentham. Combined bus services should count as a regular bus service to a town or larger village.
- 7.20 Thirdly, they consider that there is access to a large number of local services and facilities. Henstead alone contains more commercial, retail, leisure and employment opportunity than

many local parishes with much larger populations, re-affirming the grounds for approval on the availability of services and facilities within the village.

- 7.21 Fourthly, regarding the car park, the Parish council is incorrect. To all intents and purposes, for the purposes of this application, it is a car park for members of the public. This is accepted by both Highways and the Council.
- 7.22 Furthermore, they believe that this development is not an unacceptable risk to highway safety. The Applicant's were advised some weeks ago that they had satisfied this requirement. It is now a surprise to find this matter as a reason for refusal given the contradiction on the part of the Officer. The Applicant is in control of approximately 100m of frontage to the Highway, therefore if time allows, schemes could be invoked to remedy the issue. We would ask for a relevant planning condition on the granting of this application for us to submit a proposal to resolve.
- 7.23 They add that throughout their report there has been significant reference to application DC/15/1800/FUL. A summary of these reasons is as follows:
- 7.24 Within DC/15/1800/FUL the same Officer was again required to count the properties in order to identify the compliance with the 'infill' policy. Whilst doing so, his terminology is flagrantly different to that of this application. They believe it is only reasonable he interprets the same policy with the same approach and we see no reason for such a request not to be granted.
- 7.25 Application DC/15/1800/FUL is within the same parish, however, again he has disregarded the fact that Hulver Street has no facilities or services with the exception of a Village Hall.
- 7.26 In application DC/15/1800/FUL, the Officer is noted to advise at the time of decision "a new set of plans is awaited" therefore, it is evident the Officer was not overtly worried at the impact of the road splay having not seen the plans prior to approval. Notwithstanding the B1127 upon which the application fronted is known, at this location, to be challenging (as stated in the objections) though permission was granted, without worry, only 12 months ago. The current application is on an unclassified C road with much less traffic and access to a car park containing up to 100 cars, yet the Planning officer has problems with the proposal in its current form, without reason.
- 7.27 DC/15/1800/FUL clearly detailed a much more dramatic proposal, yet required the application of the same policies. They request the Officer adopt the same approach to this application.
- 7.28 The report finishes: "For the reasons explained above and throughout this report, it is respectfully requested that Waveney District Council resolve the issues detailed in this document, and to approve this application with the relevant planning condition regarding road access.

Officer's response

- 7.29 The Waveney Core Strategy policy CS01 defines all land in the District outside the towns and larger villages. Even if the site is considered to be "brownfield" land this does not mean that it is one of the preferable locations for development identified under policy CS11.
- 7.30 In relation to the "built up frontage" argument, members will note the alternative ways of defining this referred to earlier in this report. Officers would comment that an argument might be made to include Wensum Cottage, although it does not have a direct frontage to Church Road. However Henstead Hall is further back still, and has its vehicular access approximately 120 metres west of the access to the existing properties.

- 7.31 In relation to the dwelling in Hulver, the main argument on this issue in that case was whether a side road should be considered to interrupt the “otherwise built up frontage”, which is a different argument from this application.
- 7.32 The information on bus services is noted.
- 7.33 The information about the various businesses in and around Henstead is noted. However the reason for requiring access to services is on sustainability grounds, so that residents either do not need to use their car for daily necessities or can use a bus service instead. The businesses mentioned are unlikely to be required by residents on a regular basis.
- 7.34 The highway reason for refusal was recommended by Suffolk County Council’s highway officer rather than the case officer.
- 7.35 The economic arguments noted in paragraph 7.16 (particularly CIL) are a material consideration in the determination of the application.

8 CONCLUSION

- 8.1 As noted above, this application has raised a number of issues. In relation to planning policy for new dwellings in Henstead, there are two parts to the policy. In relation to access to services and facilities, the additional information on bus services in particular (paragraph 7.9 above) does suggest that the case for refusal on this ground is weak. Whilst officers do not agree that the site forms part of an “otherwise built-up and primarily residential frontage (usually a group of at least six properties)”, the inclusion of the word “usually” suggests that the requirement for at least six properties to qualify as “infilling” is not essential.
- 8.2 Officers consider that the design is acceptable and that there will be no adverse impact on the setting of the listed building.
- 8.3 The access objection has been overcome by the submission of the amended plan showing a shared access.
- 8.4 The impact on neighbouring residents is not considered significant.
- 8.5 Whilst this is a somewhat borderline case, officers now consider that the application can be recommended for approval, subject to conditions.

9 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.
2. The development hereby permitted shall be carried out in accordance with approved drawing reference: 1034/3 received 19 February 2016 and revised access plan received 7 July 2016 for which permission is hereby granted.

Reason: To secure a properly planned development.
3. Samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved samples.

Reason: To ensure the satisfactory external appearance of the development.

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

5. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

6. The hedge along the highway frontage of the site shall be reduced to 0.6 metres above the level of the adjacent carriageway before any development commences.
Thereafter it shall be retained at or below that height.

Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway.

Reason: In the interests of highway safety, to avoid obstruction of the highway and provide a refuge for pedestrians.

8. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details: Joinery details

Reason: In order to safeguard the character of the building.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations) or B (changes to the roof) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

11. Reason: To secure a properly planned development.

APPENDICES

Appendix 1 – applicant’s response to the neighbour objections

BACKGROUND INFORMATION: See application ref: DC/16/0533/FUL at www.waveney.gov.uk/publicaccess

CONTACT Richard Amor, Team Leader (North Area), (01502) 523018, richard.amor@eastsoffolk.gov.uk