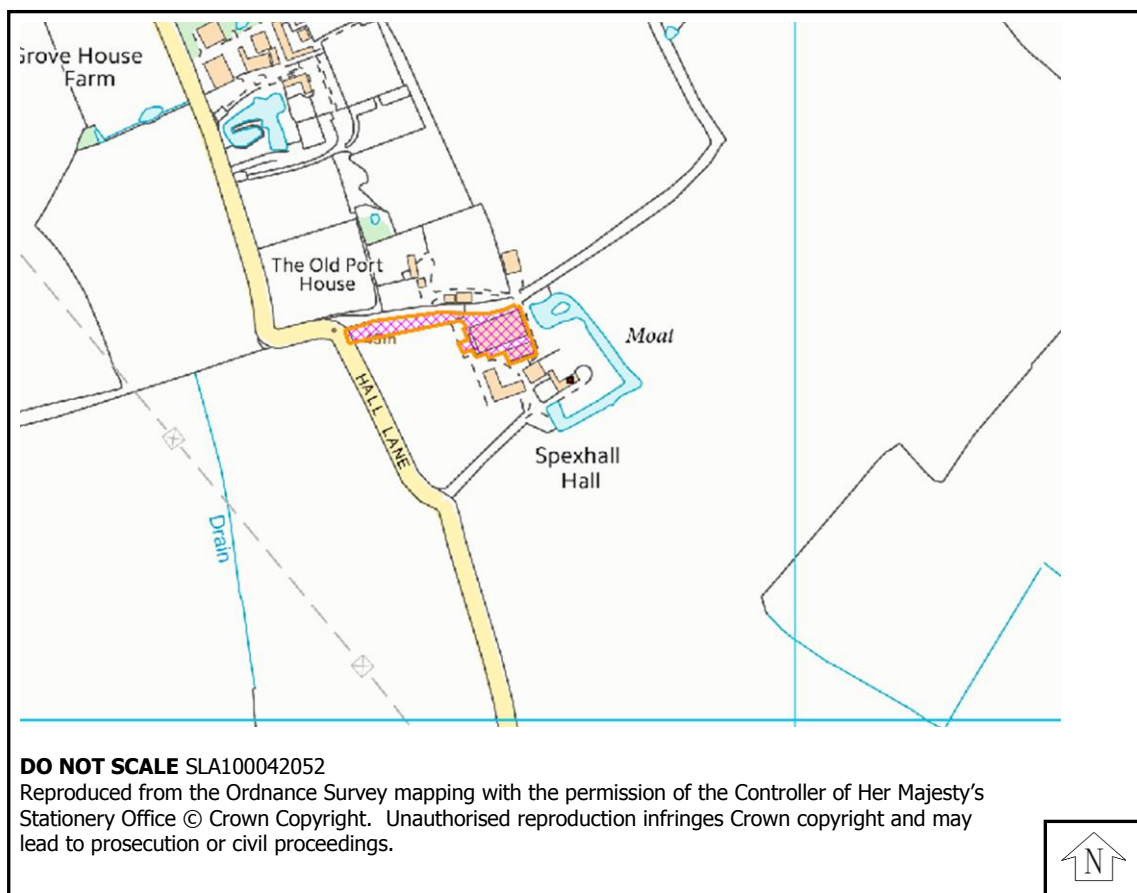


**PLANNING COMMITTEE – 14 AUGUST 2018****APPLICATION NO** DC/18/0051/FUL**LOCATION**Spexhall Hall, Hall Road,  
Spexhall,  
Halesworth**EXPIRY DATE** 4 March 2018 (Extension of time until 27 July 2018)**APPLICATION TYPE** Full Application**APPLICANT** Mr Tim Sheldon**PARISH** Spexhall**PROPOSAL** Demolish redundant agricultural buildings and build 2 No. Four bedroom houses within the existing envelope. Also to convert and extend the existing brick building, demolishing the adjacent agricultural building to allow a further residential building to be built as a mirror image of the existing brick building with its new extension.**1. SUMMARY**

- 1.1 This application seeks to demolish an agricultural building and replace it with two detached four bed houses. It is also proposed to convert and extend an existing

outbuilding to create a two bed dwelling. Directly opposite this it is proposed to erect an identical new dwelling.

- 1.2 The site lies in the open countryside outside any defined physical limits where there is a presumption against new residential development in accordance with local and national planning policy. None of the exceptions that might apply to these policies of restraint in the open countryside, are applicable to the proposed development.
- 1.3 The site is in the setting of Spexhall Hall, a Grade II listed building. The proposed development would be harmful to this setting.
- 1.4 The relationship between the proposed dwellings is poor resulting in restricted amenity space and outlook.
- 1.5 The application is contrary to Local Plan policies DM22 and DM30 as such is recommended for refusal.
- 1.6 This application is referred to Planning Committee following a Member call-in request.

## **2 SITE DESCRIPTION**

- 2.1 The application site is adjacent to Spexhall Hall, a Grade II listed farmhouse, on an isolated site in the countryside. To the northwest of the Hall are two large agricultural buildings. One of these buildings (a concrete block/metal clad portal framed building) has permitted development rights to be converted to three dwellings following the submission of a Prior Notification application in 2016 (Ref. DC/16/4723/PN3).
- 2.2 Immediately to the south of these buildings is a red brick and pantiled building and covered storage area which is within the application site. Adjacent to this building is a single storey building that is outside the application site and opposite this building is a further range of single storey buildings that are also outside the application site.

## **3 PROPOSAL**

- 3.1 There are a number of elements to this application. It seeks full planning permission to demolish the agricultural building adjacent to the building with permitted development rights for conversion to 3 dwellings and replace it with 2 new four bedroom houses within the existing envelope. It is also proposed to convert and extend the existing red brick and pantiled building to provide a two storey two bedroom house. Directly opposite this building, on what is currently the covered storage area, it is proposed to erect a new two storey two bedroom house as a mirror image of the converted and extended outbuilding.
- 3.2 In total therefore this application seeks consent for 4 new houses in addition to the agricultural building to be converted to three dwellings under permitted development rights.
- 3.3 The proposed 2No. four bedroom houses are to include:
  - Dark brick plinth
  - Part red brick and part weather board
  - Windows and doors which are to be timber frame

- Black pantile roof covering

The refurbished existing building and new mirror image building are to include:

- Red brick and weatherboard
- Windows and doors which are to be timber frame
- Red pantile roof covering
- 3No. velux roof lights.

- 3.4 A new access to the site is proposed from Hall Road which would run parallel to an existing bridleway running east-west immediately to the north of the application site. The proposed driveway would have a width of 5m.
- 3.5 The application is supported by a Design and Access Statement including a marketing report and contaminated land report; a Historic Assessment Report and a Preliminary Ecological Appraisal.

#### **4 CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations** 1 neighbouring property was notified of the application. No comments have been received.
- 4.2 **Spexhall Parish Council:-** The Council does not object to this planning application. While the Council believes that it is good to have new housing in Spexhall on this site, the Council does suggest that construction traffic should only approach the site via Grub Lane and not via the Spexhall crossroads in order to avoid congestion.
- 4.3 **Suffolk County Council - Highways Department:** (Comments summarised). No objection subject to conditions.
- 4.4 **Suffolk County Council Archaeology:** (Comments summarised). No objection subject to conditions
- 4.5 **Suffolk County Council Rights of Way:** (Comments summarised). No objection. Public bridleway no4 is adjacent to the site. We note that the new access drive will be constructed adjacent to the bridleway rather than utilising the bridleway and this is welcomed.
- 4.6 **Suffolk Fire and Rescue Service:** General comments on fire fighting facilities and water supply.
- 4.7 **WDC Environmental Health Officer:** Recommends the use of suitably worded contaminated land conditions.
- 4.8 **Essex and Suffolk Water:** No objection.
- 4.9 **Council for British Archaeology:** (Comments summarised). The CBA feels that the application does not provide enough information to adequately judge the proposals. The NPPF requires that as a minimum, applicants describe the significance of the of any heritage assets affected, including any contribution made by their setting (paragraph 128).

4.10 **Suffolk Wildlife Trust:** We have read the ecological survey reports (Bats (Jul 2018), Great Crested Newts (Jun 2018), Reptiles (Jun 2018), all Abrehart Ecology) and we note the conclusions of the consultant. The surveys identify that mitigation and protected species licences are required for bats and great crested newts and we request that, should permission be granted, a mitigation strategy and copies of the relevant Natural England licences are secured by condition. We suggest that British Standard BS 42020:2013 (Biodiversity – Code of practice for planning and development) model conditions D.2.1 (Biodiversity method statements and D.6.2 (Submission of a copy of the EPS licence) could be used to secure this.

## 5 PUBLICITY

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

Category	Published	Expiry	Publication
Public Right of Way, Curtilage of Listed Building	19.01.2018	08.02.2018	Beccles and Bungay Journal
Public Right of Way, Curtilage of Listed Building	19.01.2018	08.02.2018	Lowestoft Journal

## 6 SITE NOTICES

6.1 The following site notices have been displayed:

General Site Notice	Reason for site notice: Public Right of Way; Curtilage of Listed Building. Date posted 18.01.2018 Expiry date 07.02.2018
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## 7 PLANNING POLICY

7.1 National Planning Policy Framework (March 2012)

7.2 The Waveney Core Strategy was adopted in January 2009 and the following policies are considered relevant:

**CS01** Spatial Strategy, **CS02** High Quality and Sustainable Design, **CS11** Housing and **CS17** Built and Historic Environment.

7.3 The Waveney Development Management Policies were adopted in January 2011:

**DM01** Physical Limits, **DM02** Design Principles, **DM22** Housing Development in the Countryside, **DM30** Protecting and Enhancing the Historic Environment.

7.4 The Waveney Local Plan Final Draft March 2018:

**WLP7.1** Rural Settlement Hierarchy and Housing Growth, **WLP8.7** Small Scale Residential development in the Countryside

## **8 PLANNING CONSIDERATIONS**

### **Principle of Development**

- 8.1 The National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 8.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 8.3 The economic role includes contributing to building a strong, responsive and competitive economy. The social role aims to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations and the environmental role aims to contribute to protecting and enhancing our natural, built and historic environment. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent.
- 8.4 Core Strategy Policy CS01 sets down the spatial strategy for the location of new housing in the District in accordance with the principles of sustainable development. It proposes that 70-80% of new housing growth in the District will take place in Lowestoft, 15-25% in the four market towns (Beccles, Bungay, Halesworth and Southwold/Reydon) and up to 5% in seven of the larger villages.
- 8.5 Policy CS11 confirms this distribution of residential development and also provides details of the number of dwellings.
- 8.6 The physical limits define the extent of the existing built-up areas of the towns and larger villages.  
Development Management Policy DM01 states that development in all towns and larger villages should take place within these defined physical limits. Outside these locations, development will be treated as being in the open countryside where the objective is to preserve the countryside for its own sake.
- 8.7 The application site is located on an isolated site in the open countryside outside of any defined physical limits. The proposal is therefore contrary to Policy DM01 and the NPPF as it is not sustainably located.
- 8.8 Development Management Policy DM22 deals with residential development in the countryside and states that this will not be permitted except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion.
- 8.9 With regards to infill development Policy DM22 states that this 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. It is considered that the proposal does not meet any of the criteria for infill development.

- 8.10 The application is not being promoted on the basis of meeting an identified affordable housing need but even if it were the proposal would not meet the criteria in Policy DM22 which states that where affordable housing development is justified in terms of need, wherever possible, it should be well related to an existing settlement and have access to local services and facilities or close to a regular public transport service to a town or larger village.
- 8.11 It is concluded that the proposal is clearly contrary to local plan policies DM01 and DM22. It is considered that the site is clearly not in a sustainable location as there are no nearby services or public transport, which reinforces this conclusion.
- 8.12 In April 2017 the applicant requested pre-application advice for the proposal that is the subject of this application. The pre-application advice concluded that the proposal was contrary to local plan policies and was not in a sustainable location and that the scheme was unlikely to receive favourable consideration.
- 8.13 One element of this application includes the conversion (and extension) of an existing building. The conversion of an existing building to a dwelling would also be covered by Policy DM22 which states (in part):
- The conversion of rural buildings to residential use will only be permitted where:
- It is demonstrated that every attempt has been made to secure a suitable commercial re-use;
  - The building is well related to an existing settlement and has access to local services and/or is close to a regular public transport service to a town or larger village;
  - The building is locally distinctive and of architectural merit and the conversion requires only minimal alteration; and
  - The creation of a residential curtilage does not have a harmful effect on the character of the countryside;
  - The conversion would secure or safeguard an historic asset.
- 8.14 It is acknowledged that marketing information has been submitted with this application. However the building is not considered to comply with other elements of the Policy as it is not well related to an existing settlement and does not have access to a regular public transport service to a larger town or village. Furthermore the building is not considered to be locally distinctive and of architectural merit. The proposed extension would also exceed the requirement for 'minimal alteration'.
- 8.15 With regards to the emerging new Local Plan the Policy WLP7.1 identifies a rural settlement hierarchy for housing growth which allows for appropriate levels of development in smaller villages to help protect and support the existing services and in some cases improve them. Spexhall is not identified as a smaller village in the settlement hierarchy.
- 8.16 Policy WLP7.1 supports limited amounts of development elsewhere in other rural settlements in the Countryside that is not within or adjacent to the settlement boundaries

of classified villages. In these locations growth is expected to be facilitated by Neighbourhood Plans and by Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of this Local Plan. There is no Neighbourhood Plan covering the application site and Policies WLP8.6, 8.8 and 8.9 are not applicable to this application.

- 8.17 Policy WLP8.7 allows for small scale development of up to three homes and is the replacement Policy for DM22. Sites should be within clearly identifiable small gaps in a built up frontage, on land which is surrounded by residential development. It is not considered that the application site meets with this criteria.
- 8.18 It is considered that the proposal does not meet the policy requirements for housing in the countryside in either the existing or emerging local plan.

### **Design and Layout Considerations**

- 8.19 Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy DM02 sets down certain design criteria for new development proposals. In particular proposals should be sympathetic to the site and its surroundings and should respect and enhance the identity and character of the site. Proposals will also be expected to protect the amenities of neighbouring uses and occupiers of the proposed development.
- 8.20 With regards to the design of the proposed houses, particularly the two 4 bedroom houses, this does appear particularly sympathetic to the site and its surroundings. These properties also have a very restricted amount of private amenity space and certainly less than the amount that would normally be expected for 4 bedroom properties. Outlook to the rear is also extremely poor with the detached (single) garage being approximately only 2m from the rear elevation.
- 8.21 Turning to the converted and extended building and its mirror image new dwelling opposite these have an extremely poor relationship to one another with a back to back distance of only 4.5m, resulting in each having a rear garden depth of some 2.25m. This amount of private amenity space is considered to be an insufficient amount of amenity space for new dwellings. There is also the potential for some overlooking from first floor windows.
- 8.22 The design of the proposed dwellings is considered to be poor with an extremely restricted amount of useable amenity space and poor relationship to one another. As such the design and layout is considered to be contrary to the design principles set down in Policy DM02 and guidance in the NPPF.

### **Heritage Considerations**

- 8.23 The application site is adjacent to the Grade II listed building of Spexhall Hall. There is intervisibility between the site and the agricultural building to be demolished and Spexhall Hall. However the agricultural building is not considered to be of much historic significance and the Senior Design and Conservation Officer does not object to its demolition. It does however contribute to the strong agricultural character of the site and the complex appears as a farm within the wider countryside setting.

- 8.24 The proposed removal of the large “barn” and its replacement with two detached houses each with a separate garage has a strong residential character that has no relationship to or coherence with a farmstead arrangement.
- 8.25 With regards to the proposal to convert (and extend) the existing out building to a dwelling this building is not considered to be of much historic significance. However the proposed conversion is considered to have a negative effect on the setting of the listed building of Spexhall Hall as a result of the residential character that is created.
- 8.26 With regards to the proposed new dwelling mirroring the proposed converted out building this is in close proximity to the listed building being only 20m away. The reason put forward in the Design & Access Statement for the proposal is the desire to “*improve the site*” as the farm buildings “*are no longer in agricultural use*”; and “*The buildings are at various states of condition, from average to poor*”. This justification appears weak and certainly does not conform with any of the criteria set down in Policy DM22.
- 8.27 It is considered that the proposed 2 large detached four bed houses (in place of the existing large barn) together with a further 2 bed detached dwelling and a 2 bed converted and extended outbuilding changes the setting of the listed Spexhall Hall considerably. The character is altered from that of a farmstead to a residential hamlet. The impact of all the associated domestic paraphernalia of cars, bins, washing lines, patio furniture etc and the erection of site divisions for numerous dwellings will also have a cumulative effect which will add further negative impact. Rather than the listed farmhouse sitting isolated in the countryside with its related farm building complex it will become part of a residential development with (including those with prior approval) the seven other dwellings.
- 8.28 There is therefore a close connection between the farmhouse and its associated farm buildings and rural quality it currently provides. This reflects the agricultural nature of the complex which has been the case since the farmhouse was built in the 1400’s.
- 8.29 The Senior Design and Conservation Officer is of the view that in NPPF terms the proposal will lead to “less than substantial harm” to the significance of the designated heritage asset of Spexhall Hall. However, there is still a high level of harm caused to the significance of the Listed Building by the change to its setting both immediate and the wider countryside setting. It is this harm which has to be weighed against the public benefit. The proposal is therefore considered contrary to Policy DM30.

### **Ecology**

- 8.30 The application is supported by a Preliminary Ecological Appraisal which identifies that further surveys are required for protected species including bats, great crested newts and reptiles. These surveys have now been carried out and they identify that mitigation and protected species licences are required for bats and great crested newts. The surveys recorded no reptiles on the site. It can therefore be concluded that subject to the proposed mitigation the proposal would not result in harm to protected species. This could be secured by condition as recommended by Suffolk Wildlife Trust were the application to be approved.

### **The Planning Balance**



- 8.31 The provision of new housing in a rural location might be regarded as a benefit arising, however this proposal is not being promoted as one that would meet an identified housing need and even if it were it is not considered to meet the tests of a “rural housing exceptions site” as detailed in paragraph 8.10 above. There would also be some limited economic benefits during construction.
- 8.32 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the natural and historic environment. Given that the proposal is contrary to countryside policies and harms the setting of the listed building the proposal is not considered to constitute sustainable development.
- 8.33 It is considered that the public benefits of the proposed development are, at best, limited. In view of the harm caused by this development to the setting of the listed building together with harm due to the conflict with the development plan; it is not considered that this harm is outweighed by the benefits of the development.

## **9 CONCLUSION**

- 9.1 The site lies in the open countryside outside any defined physical limits boundary where there is a presumption against new residential development in the interests of protecting the character and appearance of the countryside for its own sake. None of the exceptions that apply to this general policy of restraint are applicable to this proposal. The application is therefore contrary to policy DM01, DM22 and the NPPF.
- 9.2 The site falls within the setting of Spexhall Hall, a Grade II listed building. It is considered that the proposal would result in a high level of harm to the setting of the listed contrary to Policy DM30.
- 9.3 The benefits of the proposal are considered to be, at best, limited. Therefore the harm that would be caused by this proposal are not considered to be outweighed by the benefits.
- 9.4 Accordingly it is recommended that the application is refused.

## **10 RECOMMENDATION: REFUSE** for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies CS01 and CS17 of the Core Strategy and Development Management Policies DM01 and DM22.
2. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to paragraphs 132 and 137 of the National Planning Policy Framework

and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.

3. The proposed layout results in a poor relationship between the dwellings leading to restricted outlook and amenity space contrary to Development Management Policy DM02 and the NPPF.

**BACKGROUND INFORMATION:**

See application ref: DC/18/0051/FUL at

[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

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