

PLANNING COMMITTEE – 29 MAY 2018**APPLICATION NO** DC/18/0845/FUL**LOCATION**Valley Farm
Bungay Road
Holton
Suffolk**EXPIRY DATE** 31 May 2018**APPLICATION TYPE** Full**APPLICANT** Mr and Mrs Andrew William and Jacqueline Norma Circus**PARISH** Holton**PROPOSAL** Development of a single residential dwelling, pedestrian and vehicular access within the site, landscaping, car parking and associated infrastructure, together with the use of the existing access points into the site from Bungay Road**DO NOT SCALE** SLA100042052

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**SUMMARY**

- 1.1 This application seeks full planning permission for a dwelling in the garden of Valley Farm to meet the applicants rare medical condition. The site is located in the open countryside outside, but in relatively close proximity to, the defined physical limits of Holton.

- 1.2 In view of the close proximity to Holton the site is not considered to be an isolated site. The NPPF promotes a presumption in favour of sustainable development. At the present time the Council is unable to demonstrate a five year supply of housing land. Under these circumstances the NPPF indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 1.3 The site is considered to be sustainably located and as such the application is recommended for approval. The application is referred to Committee due to the conflict with Development Plan Policies.

SITE DESCRIPTION

- 2.1 The application site is part of a 1 hectare land holding owned by the applicants. The site is accessed from Bungay Road, via an in-out access arrangement (approved as part of previous planning permissions for holiday accommodation at the site) and currently consists of the Farm House, two holiday cottages, indoor swimming pool and associated well established gardens. The proposal site sits to the rear of the farm house within a strip of land that has the holiday cottages to the south. Within this strip the land rises gently from the south east to the north west. To the south are the holiday cottages fronting onto a parking area and hedge. The proposal site includes the site of an existing vegetable garden and areas of open grassland to the south and east. There are two neighbouring properties to the north east, Valley Barn and Valley Cottage.
- 2.2 The site is located outside the defined settlement limit of Holton and therefore for planning policy purposes falls within the open countryside. The site also falls within the Strategic Gap between Halesworth and Holton.

PROPOSAL

- 3.1 Full planning permission is sought for the construction of a new single residential dwelling that responds to the current and future needs of the applicant who has been diagnosed with a rare and progressive neurodegenerative disease characterised by marked disorders in movement and cognitive dysfunction. The proposed dwelling includes integrated and ancillary accommodation for potential occupation by a live-in carer.
- 3.2 The proposed building is located to the north west of the application site and is largely semi-circular in form and would be set within new landscaped grounds. Access to it would be from the existing in out access arrangement.
- 3.3 A key part of the design intention is to deliver a building that remains liveable and accessible for those with reduced memory and mobility and many aspects of the layout and treatment of the house have been designed specifically for those suffering from dementia and memory loss.
- 3.4 The proposed dwelling is single storey in height and would have a green roof. Due to the sloping nature of the site the house will be cut into the upper level by 800mm and will nestle into the northern boundary. It is proposed to clad the house with a mixture of glazing and straw bale with hemp lime render. The house will be designed to passivehaus principles with a highly insulated fabric.

- 3.5 Landscaping proposals include parkland trees, species rich grassland, orchard area of mixed species, bulb planting and new native hedgerow planting.
- 3.6 In seeking to address the applicants medical needs the dwelling is being promoted as one that meets the criteria in Paragraph 55 of the NPPF of exceptional and innovative design due to the way that the architecture responds to the specific medical needs of the applicant.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations**
None received.
- 4.2 **Parish/Town Council Comments**
No objection subject only to neighbour comments.
- 4.3 **Suffolk County Council – Highways Department:** No objection subject to conditions.
- 4.4 **WDC Environmental Health Officer:** No objection subject to a planning condition requiring the reporting of any potential contamination encountered during construction.
- 4.5 **Suffolk Fire and Rescue Service:** General comments.

PUBLICITY

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

Category	Published	Expiry	Publication
Public Right of Way	09.03.2018	29.03.2018	Beccles and Bungay Journal
Public Right of Way	09.03.2018	29.03.2018	Lowestoft Journal

SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: In the vicinity of a public right of way, Date posted 09.03.2018	Expiry date 29.03.2018
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RELATED/HISTORICAL APPLICATIONS

Reference No	Proposal	Decision	Date
DC/85/0985/FUL	Conversion to dwelling	Approved	09.04.1985
DC/90/1075/OUT	Dwelling (outline)	Refused	09.07.1990

DC/91/0779/FUL	Detached double garage	Approved	21.02.1991
DC/95/0690/FUL	Garage with pitched roof	Approved	10.04.1995
DC/04/0817/FUL	Swimming pool extension	Approved	23.11.2004
DC/04/0816/OUT	3 holiday lodges	Refused (appeal dismissed)	14.09.2004
DC/04/0815/FUL	Convert outbuilding to holiday let	Approved	17.09.2004
DC/05/0808/FUL	New garage and retain summerhouse	Approved	22.08.2005
DC/07/0246/FUL	15.1m wind turbine	Approved	03.07.2007
DC/18/0767/FUL	Creation of disabled accommodation	Approved	16.04.2018

PLANNING POLICY

- 6.1 The Waveney Core Strategy was adopted in 2009: **CS01** relates to the Spatial Strategy, **CS02** considers High Quality and Sustainable Design, **CS11** relates to housing provision over the plan period and **CS16** considers the Natural Environment.
- 6.2 The Development Management Policies were adopted in 2011. **DM01** considers the Physical Limits of the district, **DM02** relates to Design Principles, **DM22** gives consideration to Housing Development in the Countryside, **DM27** Protection of Landscape Character and finally **DM28** relates to Strategic Gaps and Open Breaks.
- 6.3 A new Waveney Local Plan Final Draft has been published for an 8 week period ending on 24 May 2018 for the submission of representations.

PLANNING CONSIDERATIONS

Policy Context

- 7.1 National planning policy is set out in the National Planning Policy Framework (NPPF) which has a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 7.2 Paragraph 55 of the NPPF confirms that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”. Local Planning Authorities should however, avoid new isolated homes in the countryside unless there are exceptional circumstances. These circumstances include “the exceptional quality or innovative nature of the design of the dwelling”.

- 7.3 The spatial strategy for housing in the District is set down in Policy CS01 directs most new housing to Lowestoft followed by the market towns with a small amount directed to the larger villages. Outside these locations, development will be regarded as being in the open countryside where the objective is to preserve the countryside for its own sake.
- 7.4 The application site lies outside the defined physical limits for Holton and is therefore regarded as being in the open countryside where there is a general presumption against new residential development in accordance with Policy DM01.
- 7.5 Exceptions to this overall approach in the countryside are set down in Policy DM22 and include infill development. However the site is not considered to be an infill plot as it is not an undeveloped plot in an otherwise built-up and primarily residential frontage. None of the other exceptions in Policy DM22 are applicable to the proposed dwelling.
- 7.6 There is therefore some conflict between the proposed dwelling on the site and Policies CS01, CS11, DM01 and DM22.

Housing Land Supply

- 7.7 The Council's latest Strategic Housing Land Availability Assessment Update 2017 and Statement of 5 year supply of housing land March 2017 state there are insufficient deliverable sites to meet the five year supply of housing requirement.
- 7.8 Paragraph 49 of the NPPF, specifies that relevant policies for the supply of housing should not be considered up to date if a five-year supply of deliverable housing sites cannot be demonstrated. The Supreme Court judgement of Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council 2017 makes clear that the primary purpose of Paragraph 49 is to trigger the operation of a tilted balance in Paragraph 14 of the NPPF. As mentioned above in Para. 6.1 Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.9 Given the above consideration needs to be given as to whether the proposal is in conformity with the NPPF and therefore, whether it constitutes sustainable development. If it is considered it does represent sustainable development, the tilted balance would indicate that the proposal should be permitted. In addition, as noted above, Paragraph 55 of the NPPF seeks to prevent isolated dwellings in rural areas unless there are exceptional circumstances. A key consideration for this application is whether it constitutes an isolated dwelling. There is recent case law with regards to what constitutes "isolated" in terms of Paragraph 55 that is relevant to the determination of this application.

Sustainable Development

- 7.10 A new Waveney Local Plan Final Draft has been published for the submission of representations. As such it can be considered to have some limited weight. Holton is identified as a sustainable settlement for further development.

- 7.11 The site is located beyond the defined physical limits of Holton and therefore in the countryside. However it is located in close proximity (80m) of the physical limits boundary. The site is surrounded on three sides by built residential and holiday accommodation and residential development within the defined physical is clearly visible from the site. There is a continuous footpath along the southern side of Bungay Road and buildings (an existing bed and breakfast business and Holton Village Hall) to the north of Bungay Road. Holton Primary School is also close to the site being approximately 500m away at the junction of Bungay Road and Beccles Road. In view of this relatively close proximity and physical links to Holton it is considered that the application site can be regarded as sustainably located.
- 7.12 Recent case law has clarified the meaning of “isolated” in the context of Paragraph 55 of the NPPF. In a High Court Challenge against the grant of planning permission on appeal (Braintree District Council v Secretary of State for Communities and the Local Government and Ors [2017]) the Judge concluded that in the context of paragraph 55 “isolated” should be taken to mean its standard dictionary definition of “far away from other places, buildings or other people; remote”.
- 7.13 It is considered that in view of the site’s proximity to the built up area of Holton the site cannot be considered to be a physically “isolated” location for a dwelling.
- 7.14 The applicant is of the view that the proposed dwelling meets the criteria in Paragraph 55 of the NPPF as being of exceptional and innovative design. This issue was carefully considered by Officers at Pre-application stage. It was concluded that the design of the dwelling was of a high standard and the concept of healthy living through the construction materials and resultant built domestic environment was of interest, but that the dwelling failed to be of exceptional quality, truly outstanding or innovative.
- 7.15 However as the site is not considered to be “isolated” in the context of Paragraph 55 the elements referring to isolated dwellings and the exceptions that may apply are not engaged. As such the proposed dwelling does not contradict Paragraph 55 of the NPPF.

Landscape

- 7.16 A Landscape and Visual Impact Appraisal accompanies the application. As noted above the site is located within the Strategic Gap between Holton and Halesworth. In order to prevent coalescence of settlements, Policy DM28 does not permit development that would prejudice the aims of maintaining the open character of the Strategic Gaps. The new Waveney Local Plan Final Draft does not proposed to retain the Strategic Gap, relying instead on defined settlement limits to prevent the coalescence of settlements. However only limited weight can be given to the emerging Local plan at this stage.
- 7.17 Notwithstanding its location within the Strategic Gap it is not considered that this application is prejudicial to its aims. The Arboricultural and Landscape Manager is of the view that the site is essentially an extended garden curtilage that contains few if any of the key characteristics of the prevailing landscape character. The proposal has a well considered new garden layout which includes tree planting provision including orchard species to reflect the local tradition of orchards in the surrounding landscape. These and other trees will help integrate the new dwelling into the surrounding landscape and this may be regarded as beneficial with no significant harm. The site is well contained by

surrounding hedgerows and any visual impacts where they exist are localised and where slightly adverse, will be moderated by new planting over time.

Residential amenity

- 7.18 The proposed dwelling is located adjacent to the north eastern and north western boundaries of the site and is single storey in height. The closest neighbouring residential property to the site is Valley Barn, a one and a half storey dwelling located to the north east and much closer to the Bungay Road frontage. Given the separation distances involved and the intervening vegetation that helps screen the application site it is considered that the proposed dwelling will not have an adverse impact of the amenities of this property, nor indeed Valley Farm itself, by virtue of overlooking, loss of privacy, loss of outlook or overshadowing.

Highway Considerations

- 7.19 As will be noted above the Highway Authority raise no objection to the application subject to conditions relating to improvements to the access and the provision of car parking on the site.

Heritage Considerations

- 7.20 The site is not located within a conservation area and there are no listed buildings on or adjacent to the application site. There is one listed building, Gavelcroft, on the north side of Bungay Road a short distance from the site entrance. However in view of the separation distance and intervening buildings it is not considered that the proposed dwelling will have a negative impact on its setting or significance of the listed building.

Flood Risk Considerations

- 7.21 The site is located in Flood Zone 1 which has the lowest probability of risk from flooding. Historically there have been records of surface water flooding along Bungay Road but the site itself is at low risk from surface water flooding.

The Planning Balance

- 7.22 To conclude on Development Plan issues, the proposal is in conflict with Local Plan Policies CS01, CS11, DM01 and DM22 as the site is located in the countryside.
- 7.23 As noted above the Councils latest Strategic Housing Land Availability Assessment Update 2017 and statement of 5 year supply of housing land 2017 state that there are insufficient deliverable sites to meet the five year supply of housing requirement.
- 7.24 The lack of a five year supply means that less weight can be afforded to Policies CS01, CS11, DM01 and DM22. Paragraph 49 of the NPPF specifies that relevant policies for the supply of housing should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated. In this instance and in accordance with the intention of Paragraph 49 the 'tilted balance' under paragraph 14 of the NPPF is triggered. This states that planning permission should be granted unless the adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

- 7.25 Although the site is outside the physical limits for Holton as defined by Policy DM01, it is located close to them and, as noted above, is not considered to be an isolated location.
- 7.26 There are no significant issues with regards to the impact of the development on the amenity of neighbouring properties, access and the landscape character of the site and its immediate surroundings.
- 7.27 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. As noted above the site is close to Holton and is considered to be sustainably located. There are no detrimental impacts in terms of amenity, access and landscape. It is therefore considered that the proposal constitutes sustainable development in conformity with the NPPF. Under these circumstances the 'tilted balance' indicated that planning permission should be granted. Whilst there is some conflict with local plan policies this is not considered to be significant in this particular case.
- 7.28 The proposed dwelling seeks to address the applicants serious neurological illness for which there is no known cure. Although the design of the dwelling is not considered to be truly outstanding or innovative in terms of paragraph 55 of the NPPF it is nevertheless clearly a high quality building and it is considered that some limited weight can be given to the personal circumstances in this case.

CONCLUSION

- 8.1 This application is contrary to the development plan as the site lies outside the physical limits boundary for Holton. Notwithstanding this there are other material considerations to take into account in the determination of the application.
- 8.2 At the present time the Council is not able to demonstrate a five year supply of housing land. In these circumstances the NPPF indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.3 The site is located close to Holton and is considered to be sustainably located. It is not considered to be an 'isolated' site.
- 8.4 Taking all the material considerations into account it is considered that the proposal, when assessed against the NPPF as a whole, represents sustainable development. The application is therefore recommended for approval subject to controlling conditions.

RECOMMENDATION

That the application be approved 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 not be brought into use until it has been completed in all respects strictly in accordance with Plans PL 010, PL 101, PL 110, PL 201, PL 202, PL 203, PL 204, PL 205, PL 206, PL 301, PL 302 and 1998 01 received 23 February 2018 for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. No other part of the development hereby permitted shall be commenced until the existing vehicular accesses have been improved, laid out and completed in all respects in accordance with DM02; and with an entrance width of 4.5m. 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.

4. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

5. The vehicular access hereby permitted shall be a minimum width of 4.5 metres for a distance of 10 metres measures from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

6. Before the development is commenced details of the areas to be provided for the collection 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.

7. The use shall not commence until the area within the site shown on PL-010 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

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. The landscaping scheme shown on Plan 1998 01 shall be completed prior to occupation of the dwelling or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

BACKGROUND INFORMATION:

See application ref: DC/18/0845/FUL

www.eastsuffolk.gov.uk/public-access

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