

Reference: 06/19/0714/F

Parish: Browston

Officer: Chris Green

Expiry Date: 18-02-20

Applicant: Mr Adam Darling

Proposal: Proposed low-carbon dwelling and detached garage together with associated works and landscaping.

Site: Former Greenfields Nursery, Cherry Lane, Browston

REPORT

1. Background

- 1.1 This application is for a larger dwelling on a site that is part agricultural field and part former garden centre and therefore previously developed. There was a prior notification application approved for a barn conversion on part of the site. The site is in a relatively remote location and the recommendation is for refusal.

2. Site and Context

- 2.1 This site represents 7.3 hectares of land dedicated formerly to a commercial nursery and arable fields. The land is rated as Grade 2 agricultural land. The site is outside development limits and outside the Waveney Valley Landscape character area designation which is around 200m to the south. Browston is classified as a tertiary village, it is certainly slightly larger than a hamlet but lacks local services. There is residential development on the 500m long Cherry Lane on both sides of sporadic nature, there being one cluster at the crossroads and then another around this site. This development in the surrounding cluster is all residences dating to the second half of the 20th century. Opposite the site is the entry to the "Waste Transfer" site operated by EE Green, records show this was a sand extraction site.
- 2.2 The site itself is host to the garden centre comprising now overgrown deteriorated relatively low height greenhouses on the south part of the site towards Cherry Lane and this land can be characterised as brownfield, to the north extending to the north boundary with the main A143. To the west of the site and wrapping round the adjacent bungalow there is another field, within the red lined area.

3. Proposal

- 3.1** The proposal is for a larger farmhouse type of development with timbering applied to the upper floor, the form to the front is of side wings with gables and a central porch projection fronting north overlooking the vineyard and field. To the rear there is a large offshoot containing at ground level a swimming pool facing south back to the road. The accommodation is shown as having 5 bedrooms, all having en-suite and the master bedroom a substantial dressing room. There is in addition a downstairs study
- 3.2** The proposed building is set to the north of the area of existing greenhouses with one retained for beekeeping. The field to the south west corner is shown host to an orchard and to the north of the house a vineyard. A solar array is shown in the north field with forestry to the north boundary with the A143. The use of the existing arable field is not defined.
- 3.3** The proposal is described as an low carbon dwelling. There is a list of energy efficiency measures in the planning statement
- 3.4** Accompanying both proposals are the following documents:
- Planning statement /Design and Access Statement
 - Arboricultural Impact Assessment
 - Ecology Appraisal

4. Relevant Planning History

- 4.1** 06/18/0661/PAD recladding of existing agricultural building to create a residence under the provisions of part Q of the GPDO 2015.

5. Consultations :- All consultation responses received are available online or at the Town Hall during opening hours

- 5.1** Parish Council Object as outside development limits. This will set a precedent. As the land around is farmed this would be justified if agriculturally restricted.
- 5.2** A neighbour objects that this is grade 1 land (it is grade 2) and outside development boundaries and not for an agricultural user.

Consultations – External

Norfolk County Council

- 5.3 Highways** –have shown concern that reflects their earlier concerns at part Q stage, primarily related to whether any of the existing nursery function would

endure following any permission for residential use. If such other activities can be removed, then the use as a single dwelling would not be unacceptable on highway grounds.

Consultation - Internal GYBC

5.4 Environmental Health – (contaminated land, noise, air quality)

6. Assessment of Planning Considerations: Policy Considerations:

Effect of permitted development rights

- 6.1** It is considered that this proposal cannot rely on the already permitted conversion of the agricultural building on the site under part Q as precedent justification for this proposal. The proposal is considerably larger and part Q is a tightly restricted permitted right that requires firstly that the proposal is a conversion and not works so substantial as to represent a rebuild and secondly that the envelope of the converted building is not expanded. As both these requirements are challenged by this proposal the part Q permission does not inform decision making in this case. The County Highway team has asked if the part Q approved conversion would endure, if the house was built and while the applicant has said they would not enact it, if the building remained and was not within the footprint of this development it might remain implementable

National policy

- 6.2** Paragraph 47 of National Planning policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise
- 6.3** Paragraph 8 of NPPF sets the balance between the "three overarching objectives" the "economic objective" to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; the "social objective" - to support communities' health, social and cultural well-being; and the "environmental objective" - to protect and enhance the natural, built and historic environment; improve biodiversity, use natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.4** On the one hand development for housing here with ancillary bee keeping on a non-commercial basis would create a short-term construction employment, but unless it was deemed a mixed-use site no employment directly in use, whereas the former commercial use has benefit to the local economy if reinstated as would other commercial uses if otherwise acceptable. In this sense the economic argument made is considered to carry little weight.
- 6.5** This proposal is in part on previously developed land but use of the glass houses or of new glass houses for agricultural purposes would be of both

economic and environmental benefit whereas the construction of a larger house would provide the environmental benefit of site restoration alone.

- 6.6** Paragraph 79 of the NPPF invites consideration as to whether this proposal in countryside could be considered to serve the essential needs of agriculture. While the applicant has produced some details of why the site is ideal for bee keeping, this is cited as ancillary to the domestic function, rather than a business and if it were a business that would be of concern to the highway team, if associated with traffic movements. The applicant has stated that this is not a business and that it is about breeding a better bee quality for onward sale to others. There is also a principle that the business has to be able to support the costs of the residence, and the proposal is of large scale with no data to suggest this could be supported or any request for agricultural restriction.
- 6.7** This paragraph also sets out criteria for some exceptional development to be able to occur. The design proposed is not considered aesthetically exceptional adding to the architectural wealth of the nation in the manner envisaged by the national policy. Exceptional innovation is also encouraged and while the proposal is put forward as an ecological solution, the planning statement contains a menu of measures but no further technical detail to substantiate the claim. If this application is a paragraph 79 claim for “exceptional innovation” this detail is needed at an early stage.

Local Policy Adopted Core Strategy

- 6.8** Policy CS02 states around 5% of development might occur in secondary and tertiary villages, so while Browston has some status as a tertiary village development opportunity is expected in the round to be at a very low level.
- 6.9** Some debate in the planning statement is made with regard to Court findings in relation to settlement limits and proposals being adjacent to the limit. This is not the case here as while Browston is a settlement larger than a hamlet, it has no defined limit and so the site is not adjacent to any such limit. In practical terms the distances identified are not contrasted but are beyond normal notions of acceptable walking distance. The applicant has not identified the bus stop on the A143, but this is 500m from the site boundary and so beyond the 400m normally cited as acceptable in examining whether car use would tend to be the preferred option. Emergent policy mapping for the area show Browston as remaining a village without development boundary, reflecting the lack of local facilities.
- 6.10** Pre-application advice was given ref 000019/19, that set down criteria for agricultural restriction and cited saved policy Hou10 where such dwellings should “normally be no larger than 120 square metres” and also suggesting that the scale and position of the proposal submitted at that time was considered excessive. The applicant has not identified the floor area of the proposal, but it appears many times the size mentioned above. Saved policy Hou11 also deals with rural exception sites but is accorded little weight here as the application has not been made as an exception site.

- 6.11** Policy CS03 and NPPF paragraph 122 support development that makes efficient use of land, also citing the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use.
- 6.12** This proposal for a single dwelling on a large site, where the red line invites consideration of the surrounding fields as part of the site is not considered efficient and even if one takes only the area of the former nursery the proposal is still at one dwelling to the hectare.
- 6.13** Policy CS6 "Supporting the local economy" strengthen the local economy and make it less seasonally dependent. This will be achieved by: Encouraging the redevelopment and intensification of existing employment sites, (for employment, not just designated sites) where access is good (accepted not the case here).
- 6.14** Policy CS09 sets out design principles and asks new developments to "respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials", and achieve "efficient use of land" and to connect to " historical, ecological or geological interest of a site". It is considered that the large two storey design set back from the modest bungalows fronting Cherry Lane and larger by some proportion in comparison to the houses in Cherry Lane does not respect the scale and character.
- 6.15** Policy CS11 requires mitigation of ecological harms and enhancement and the submitted ecology study does set out nett positive measures.
- 6.16** Paragraph 11d of NPPF considers housing land supply and whether an authority has a five-year supply, and at present Great Yarmouth Borough Council is in shortfall. It is expected that this will change in the near future with allocation of new supply and recalculation of demand and need. Furthermore, the delivery of a single home is afforded less weight than a larger numerical contribution to housing supply.
- 6.17** The proposal is described as an eco-house, but aesthetically relies upon normal developer nuances as to appearance as a traditional farmhouse on a massive scale. While a menu of building environmental features are listed including solar and ground source, no information is specific in demonstrating how the elements proposed work together to achieve a performance exceeding current practice or building regulations requirements and given the large size of the proposal there is no information on per capita energy or water consumption. Given the aspiration to be "low carbon" no mention is made of heat recovery systems, and in the lack of this sort of information no weight can be given with regard to any "exceptional" aspect of the proposal in these terms.
- 6.18** The proposal will have some impact on neighbours, however the large size of the site means that separation distance allows privacy impact to be mitigated.

The scale of the proposal will have some outlook impact for the two near bungalows. The position and scale of the proposal are considered to be alien to the pattern of surrounding development. The other large historic properties such as the Manor or Browston Hall are not considered to form part of the immediate context that would offer justification here.

The Emergent Local Plan

- 6.19 Policy GSP1: “Development Limits” repeats and reinforces existing spatial policy stating “development will not be permitted on land outside of Development Limits except where it comprises the use and development of land associated with agriculture or forestry; or specific policies in the Local Plan indicate otherwise
- 6.20 Policy GSP2 reinforces further the spatial strategy by setting a zero-housing expectation in the smaller villages, Browston is regarded as below this level in the strategy
- 6.21 Policy UCS3: “Adjustment to Core Strategy Housing Target“ recognises that the housing requirement over the plan period needs to be reduced to reflect the objectively assessed need as updates from 7140 units to 5303 new dwellings, this has the effect of giving the Borough a five year housing supply reinforced by recent approvals for outline permission on housing land allocations within the emergent plan and therefore removing the lack of supply argument, upon adoption. At present this carries little weight, but in any case, the delivery of a single home is shown to carry minimal weight in the circumstances here.

7. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application. There is no section 106 contribution required by policy that would provide an offsetting justification for the proposal, in terms of wider public benefit and no requirement for example to provide affordable homes.

8. Shadow Habitats Regulation Assessment

- 8.1** The applicant has submitted a Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2** The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the, Breydon Water SPA. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures at Breydon SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.
- 8.3** The Borough Council as competent authority agrees with the conclusions of this assessment. To meet the mitigation requirements, it is recommended that the appropriate contribution is secured by either S.111 or S.106 agreement.

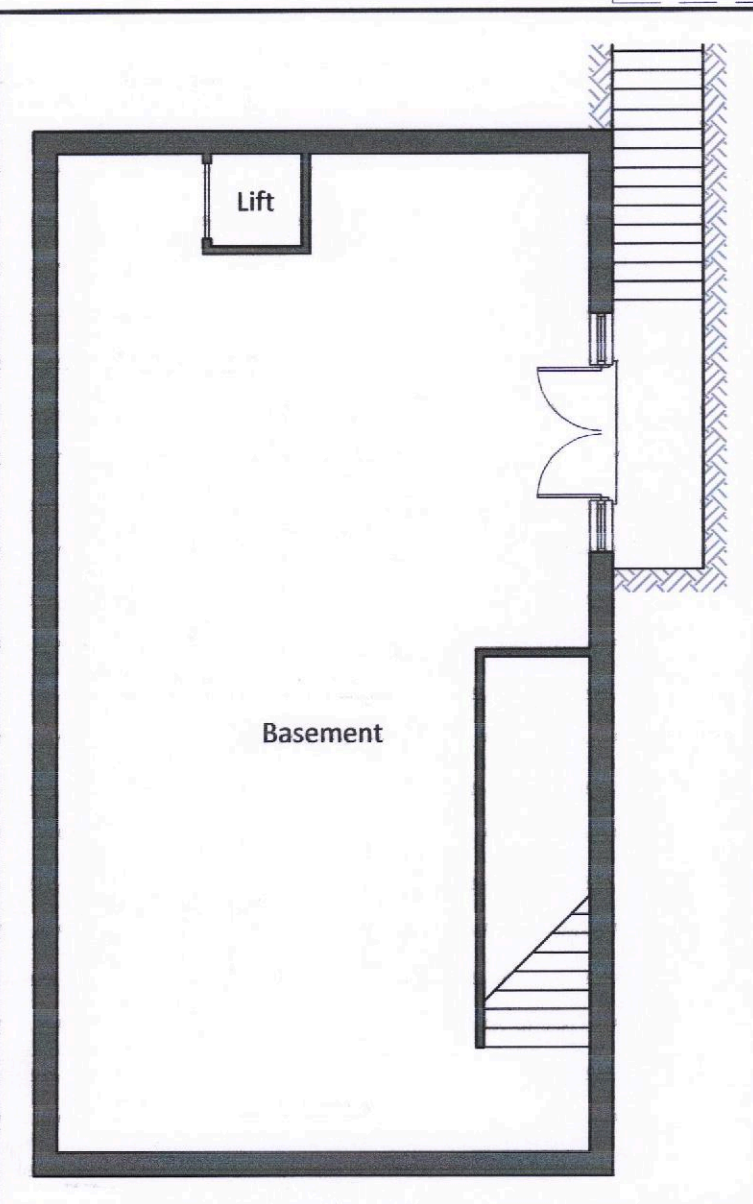
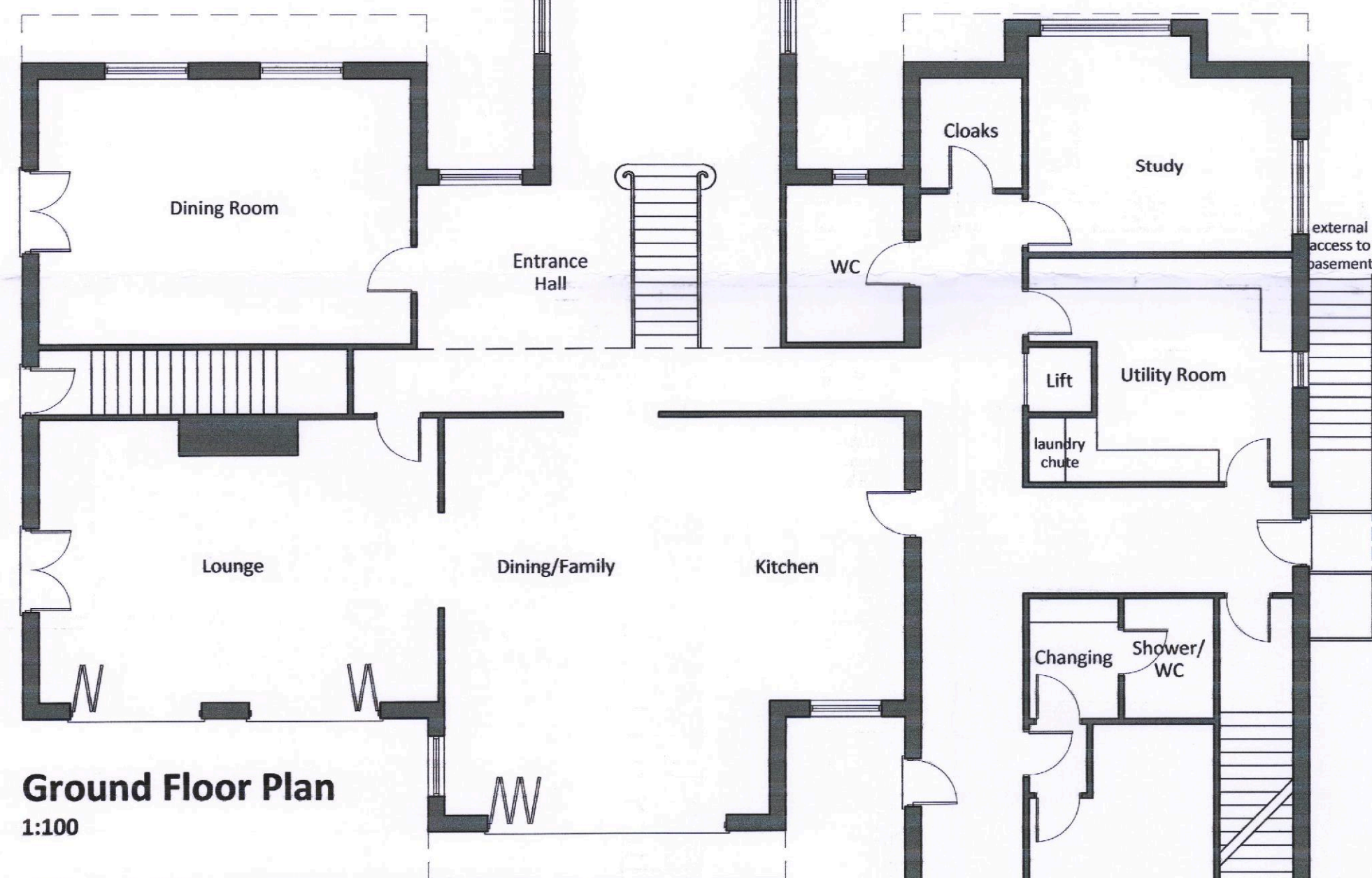
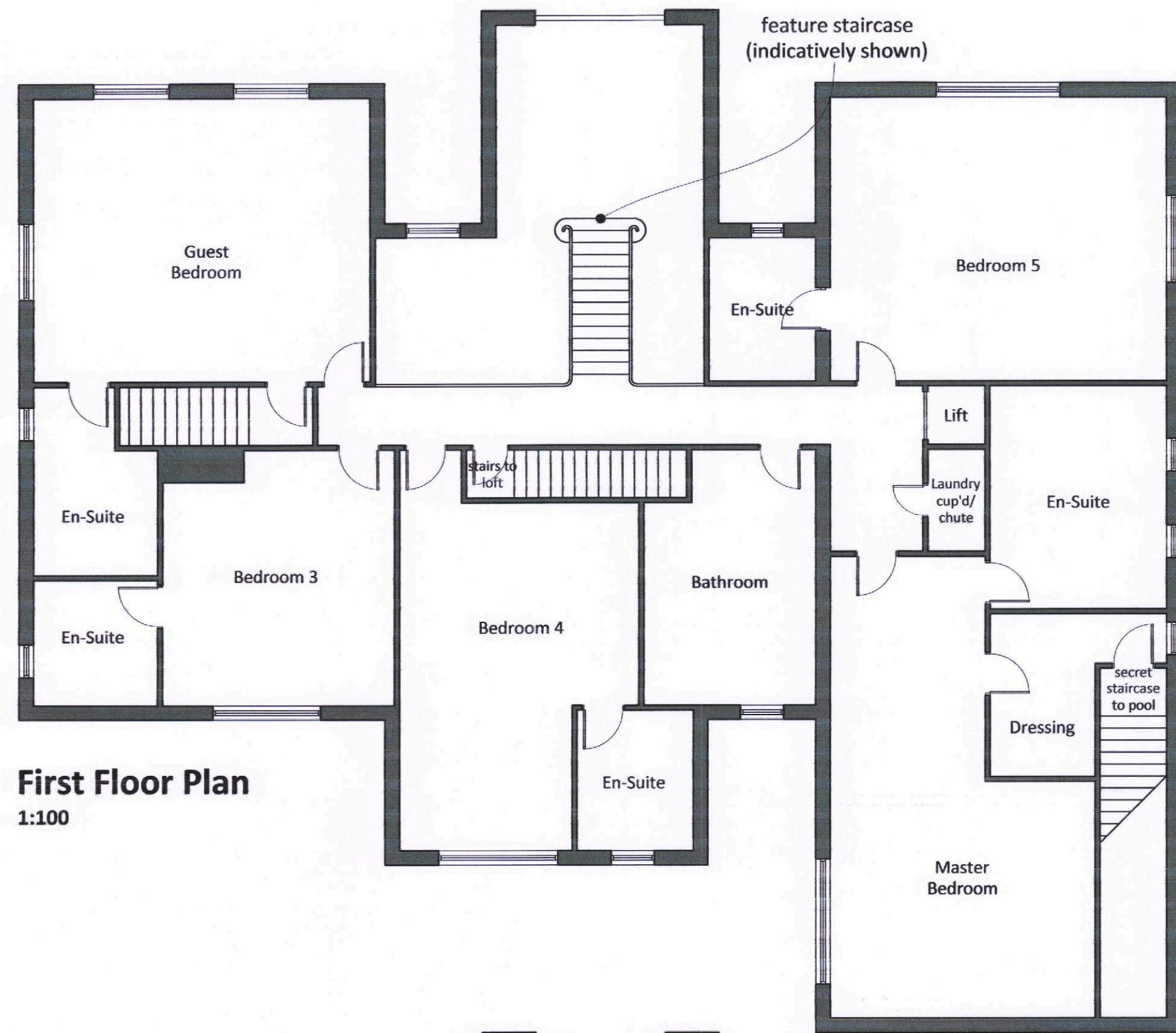
9. Concluding Assessment

- 9.1** The applicant asks the Council to consider that the economic benefit of retaining wealth in the district associated with a larger house and the failure to have a five-year housing supply should outweigh spatial planning and local character and amenity. The delivery of a single home has been shown to carry limited weight in appeal decisions in context of the "tilted" balance that exists when housing supply is deemed insufficient

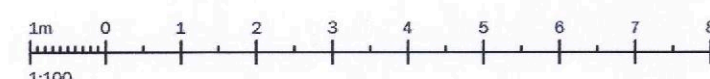
10. RECOMMENDATION: -

- 10.1** Refuse as contrary to spatial planning principles and delivering too little to justify exception notwithstanding housing supply issues
- 10.2** Refuse on grounds of excessive scale and failure to reflect the form of the surrounding development in setting substantially to the rear and into open countryside.





←
Basement Plan
1:100



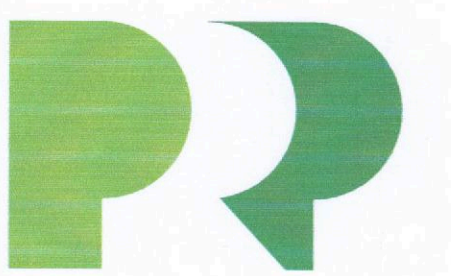
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Great Yarmouth
Borough Council
22 DEC 2019
Planning
Department

06/19/0714/F

rev:	date:	description:	by:



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client:
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location:
Cherry Lane, Browston

title:
**Proposed Dwelling
Plans and Elevations**

scale @ A1:
1:100
date:
October 2019
project no:
7935

drawn by:
JY
approved:
JY
dwg no:
P07

revision:

PLANNING

proposed woodland - native species tree and structural planting, underplanted with ground flora to greatly enhance biodiversity and screen the site from A143 Beccles Road

proposed 5m wide woodland strip to strengthen and enhance boundary

solar array

existing apiary site

vineyard

existing native species hedge planted 2015

car port / garage / battery storage

no dig construction using Cellweb system for roads within tree root protection areas

repair and retain 1/4 of existing greenhouse (subject to survey)

retain buildings as honey house and workshop

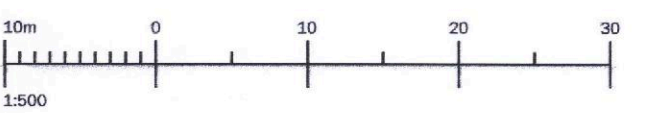
Key

- existing trees retained
- existing tree root protection area
- existing hedgerow
- proposed structure planting
- proposed native species trees (shown indicatively)
- proposed trees (shown indicatively)

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Borough Council
22 DEC 2019
Planning
Department

06/19/0714/F

A	12/11/19	Amendments following Client comments JY
rev.	date:	description:

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client:
Mr & Mrs Darling
location:
Cherry Lane, Browston

title:
**Proposed Dwelling
Proposed Site Plan**

scale @ A4:
1:500
date:
October 2019
project no:
7935

drawn by:
Survey Solutions/JY
approved:
JY
dwg no:
P06
revision:
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