

# Development Management Committee Report



Committee Date: 12 June 2024

Application Number	06/24/0125/F – ( <a href="#">Click here</a> to see application webpage)
Site Location	Nursery Barn, Rollesby Road, Fleggburgh, NR29 3AR
Proposal	Proposed conversion and change of use of agricultural storage barn to a new 4-bedroom residential dwelling; Retrospective external alterations and associated works, access and boundary treatments.
Applicant	Mr S Jarrold, 18 Winifred Way, Caister, Great Yarmouth, NR30 5AB
Case officer	Lucy Smith
Parish & Ward	Fleggburgh
Date Valid	15-04-24
Determination Due	10-06-24
Reason at committee	Departure from adopted local plan policy.

## SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO APPROVE, SUBJECT TO OPEN SPACE PAYMENT AND CONDITIONS

### 1. The Site and Context

- 1.1 This application relates to an agricultural building sited outside the development limits but on the edge of the settlement of Fleggburgh. The barn consists of a simple vernacular with pitched tiled roof with the gable end facing the highway and light coloured brickwork with existing timber barn doors.
- 1.2 The barn is sited to the south east corner of an agricultural field, with an existing access to Rollesby Road directly in front of the barn to the east. An existing hedgerow extends up to the access and fencing forms the boundary treatment to the south.
- 1.3 A parcel of grassed land lies to the south of the site with a barn fronting the road, with Grade II Listed Farmhouse “The Shrubbery” sited approximately 40m to the south of the application site. A converted barn complex lies to the south of this dwelling. An agricultural field lies opposite the site, with residential dwellings adjacent to the south.

## **2. The Proposal**

- 2.1. The application proposes to convert the existing agricultural barn to a dwelling house. This application follows a previous prior approval for a residential conversion, where works have commenced, which is described further in the planning history section of this report.
- 2.2. The proposal would involve the retention of the existing access with parking provision to the front of the property and includes the creation of a residential curtilage of approximately 0.15ha to the front and rear of the barn.
- 2.3. The external works proposed include the installation of horizontal shiplap cladding in black, retention of the existing barn doors to be repurposed for decorative purposes and the installation of windows and doors. The roof has already been replaced with black onyx double pantiles with rooflights installed in the northern roof slope. Bargeboard and fascias are proposed to be fitted.
- 2.4. Internal works include the installation of internal studwork walls to create a four-bedroom dwelling, with a partial mezzanine floor installed to provide a first floor. Internal works have also commenced following the previous prior approval consent.

## **3. Site Constraints**

- 3.1. The site is located outside the development limits defined by GSP1.
- 3.2. The site falls within a Nutrient Neutrality catchment area (The Broads SAC), and the 400m to 2.5m protected habitats "Orange Zone".
- 3.3. The proposal is within the setting of the Grade II Listed Farmhouse "The Shrubbery", located approximately 40m to the south of the barn.
- 3.4. The site forms grade 1 Agricultural land.
- 3.5. The site falls within Flood Zone 1, where there is a low risk of flooding.

## **4. Relevant Planning History**

- 4.1. The site has been subject to a prior approval application, submitted pursuant to Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and later variations to this consent.
- 4.2. Prior approval was originally granted for a change of use of the agricultural building to dwellinghouse under application reference 06/20/0533/PAD, which was approved on the 11 December 2020.
- 4.3. A S73 application was then submitted under application reference 06/22/0869/VCU to vary the previously approved prior approval consent. Any proposal to vary a Class Q prior approval consent would be required to comply with all the criteria and limitations of Class Q. The proposed works included an amendment to the original plans to replace the roof using double concrete pantile in onyx black and the removal of a condition requiring an asbestos survey following the completion of an asbestos report. This application was approved on the 30 November 2022, and works were carried out to replace the roof.

- 4.4. A further S73 application was submitted in August 2023 and assigned reference 06/23/0692/VCF. This sought to further vary the previous permission 06/22/0869/VCU to include alteration to fenestration to include external alterations such as the installation of 3no. rooflights, installation of repurposed barn doors, bargeboards and fascias and exterior cladding, as well as internal alterations including installation of a mezzanine. The cladding, bargeboards and fascias and repurposed barn doors were considered to extend beyond works considered reasonably necessary for the building to function as a dwelling house, therefore not considered to comply with part Q.1(i). As such, the application was refused.
- 4.5. The applicant has proceeded with the proposed application due to having started works on the barn conversion, but no longer having a lawful consent to complete the works. Unlike a normal planning permission, approvals for works gained via a prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 must be completed within a specified time period. As this period has now lapsed, and the works approved under consent reference 06/20/0533/PAD (as amended by consent reference 06/22/0869/VCU) have not been completed, the consent falls away. The partially complete works to the barn are technically therefore represent a breach of planning control.
- 4.6. Other relevant planning history at the site includes application reference 06/07/0651/F which was a previous approval for conversion of existing barn to children's nursery and associated parking, determined on the 19 October 2007. This permission was not implemented.

## 5. Consultation responses

### 5.1. Conservation Officer

#### **No objection**

- 5.1.1. The Council's Conservation Officer has raised no objection and comments that the proposal offers an improvement to the setting of the Grade II listed Heritage Asset Shrubbery to the south of the proposal site. They do recommend that recommend that any boundary treatment is minimal and retains the open character, such as post and rail fencing.

### 5.2. Norfolk County Council – Highways Authority

#### **No objection subject to conditions**

- 5.2.1. The Highway Authority raise no objection but recommend that conditions are imposed to; require upgrading of the vehicular access to include arrangement for surface water interception and disposal, remove permitted development rights for gates/bollard chain/other means of obstruction and to condition that sufficient parking and turning is provided for 3no. vehicles.

## 6. Publicity and Representations

- 6.1. Consultations undertaken: Site notices and Press advert. Reasons for consultation: Departure from the adopted Local Plan and building within the Setting of a Listed Building . The overall expiry date for the consultation process on the revised plans was 17 May 2024

6.2 Ward Members – Cllr Thompson

6.2.1 No comments received.

6.3 Parish Council

6.3.1 Fleggburgh Parish Council supports approval of this application.

6.4 Public Representations

6.4.1 No public comments have been received.

**7. Relevant Planning Policies**

7.1 The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future.
- Policy CS2: Achieving sustainable growth.
- Policy CS3: Addressing the borough's housing need.
- Policy CS6: Supporting the local economy.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS11: Enhancing the natural environment.
- Policy CS13: Protecting areas at risk of flooding and coastal change.
- Policy CS15: Providing and protecting community assets and green infrastructure.
- Policy CS16: Improving accessibility and transport.

7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
- Policy A1: Amenity.
- Policy A2: Housing design principles
- Policy H4: Open space provision for new housing development
- Policy H7: Conversion of rural buildings to residential uses
- Policy R6: Kiosks and stalls.
- Policy R7: Food and drink amenity.
- Policy E1: Flood Risk.
- Policy E5: Historic environment and heritage.
- Policy E7: Water conservation in new dwellings and holiday accommodation.
- Policy I1: Vehicle parking for developments

- Policy 13: Foul drainage

### 7.3 Fleggburgh Neighbourhood Plan (adopted July 2022)

- Policy 2: Design
- Policy 3: Enhancing the Natural Environment
- Policy 5: Landscape Setting
- Policy 6: Dark Skies
- Policy 7: Surface Water Management
- Policy 11: Traffic and Safety

## 8. **Other Material Planning Considerations**

### 8.1 National Planning Policy Framework (Dec 2023)

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed and beautiful places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment
- Section 16. Conserving and enhancing the historic environment

### 8.2 Supplementary Planning Documents

- Great Yarmouth Design Code (adopted January 2024)

### 8.3 Norfolk County Council Parking Guidelines for new developments in Norfolk (Revised July 2022)

## 9. **Planning Analysis**

9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
  - (b) any local finance considerations, so far as material to the application, and*
  - (c) any other material considerations.*

#### Main Issues

- Principle of Development
- Design, Form and Character
- Impact on Historic Environment
- Amenity
- Highways
- Impact on Protected Habitats

## **10. Assessment**

### Principle of Development

- 10.1 The site is located on the edge of the settlement of Fleggburgh. The site falls outside of the development limits. Policy GSP1 directs that residential development will not be permitted on land outside of Development Limits except where specific policies in the Local Plan indicate otherwise.

### *Assessment against policy H7*

- 10.2 Policy H7 relates specifically to conversion of rural building to residential uses, and states that residential conversion or re-use of buildings of heritage or landscape value outside the Development Limits for residential use will be supported where this secures that value in the long term and:
- a. it is demonstrated the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction or replacement; and*
  - b. any extension, additional building(s) or curtilage provision is complementary to the scale and character of the retained building and its setting;*
  - c. it would not have a significant adverse effect on the amenities of neighbouring occupiers or the effective operation of nearby businesses;*
  - d. conditions are applied if this is required to avoid future extensions, curtilage buildings or other domestic paraphernalia undermining heritage or landscape justification for conversion;*
  - e. ensure that the conversion does not result in the loss of protected species (such as barn owls and bats) and provide compensatory habitat(s) where such loss is unavoidable; and,*
  - f. the conversion of the building would enhance its immediate setting.*

- 10.3 In order to comply with this policy, the building to be converted is required to be of “heritage or landscape value” and “*secure* that value in the long term”. The existing building is understood to have been built in the second half of the 20<sup>th</sup> century and does not hold architectural interest to be considered to be of heritage value. The building is sited on the edge of the settlement, and whilst not considered to be incongruous in the rural setting, is not considered to be of particular landscape value.
- 10.4 In regard to criteria a), the building is considered to be of permanent and substantial construction, as demonstrated by the previous prior approval consent (06/20/0533/PAD) and the internal work which has been progressed in pursuance to the previous consents, as well as informal conversations with Building Control.
- 10.5 Considering criteria b), there are no extensions or additional buildings proposed as part of this consent, however an extended curtilage is included within the proposal, which would not have been permitted by Class Q and the previous applications relating to this Class. The extended curtilage equates to approximately 0.15ha which is large in comparison with the moderately sized barn.
- 10.6 Criteria c) relates to amenity, and it is considered that this policy could be met by virtue of the siting, as assessed under the amenity section of this analysis.
- 10.7 Criteria d) encourages the application of conditions to ensure that future extensions, curtilage buildings or other domestic paraphernalia is restricted without further planning permission should this be required to make the proposal acceptable.
- 10.8 In regard to criteria e), as works have already commenced on the conversion, with the roof of the barn replaced and internal insulation and walls progressed, the proposed conversion is not considered to impact protected species such as bats. The proposal would not result in the loss of any trees or hedging, and the site has been maintained as cut grass. However, as the site does constitute a rural setting on the edge of an agricultural field, it is considered reasonable to expect mitigatory habitat and biodiversity enhancement.
- 10.9 Criteria f) requires the proposed conversion to enhance its immediate setting. Whilst it has been acknowledged that the existing building is not considered to be of particular landscape value, it is noted that the building has already been partially converted, and therefore there is an argument that completion would enhance the setting.
- 10.10 In view that the proposal does not present heritage or landscape value, and that a large curtilage conflicts with criteria b), the proposal is considered to be contrary to this policy.
- 10.11 The development seeks to create a new dwelling in a location where the Council would not normally support the provision of a new dwelling, as it is outside an identified settlement boundary and does not fall within one of the categories of development allowed for in such locations by the Local Plan. However, it is a material consideration that a prior approval consent was previously in place to allow for the conversion of the structure to a dwelling. Whilst the material weight of the consent issued under the prior approval is diminished now it has fallen away, the majority of the partial works to the structure are lawful. Therefore, it is unlikely the structure would be returned to agricultural use and appearance. In this context, the argument that the completion of the works would help to enhance the setting of the building, and therefore meet part of the policy aspiration of Policy H7, is considered to carry weight.

### *Assessment against policy CS6*

- 10.12 In addition to the above, policy CS6(j) states that in order to support the local economy, development should minimise the potential loss of the best and most versatile agricultural land by ensuring that development on such land is only permitted if it can be demonstrated that there is an overriding sustainability benefit from the development and there are no realistic opportunities for accommodating the development elsewhere. Fleggburgh Neighbourhood Plan policy 5 also states that the loss of the best and most versatile agricultural land will not be supported other than where it can be demonstrated that significant community benefits demonstrably outweigh the harm arising from such loss.
- 10.13 The proposal would result in the loss of Grade 1 agricultural land which is the best quality farmland with no or very minor limitations to agricultural use. Whilst it is acknowledged that the proposal site has already been severed from the ownership of the agricultural holding, the existing use would still constitute agricultural land; and therefore the proposal is in conflict with these policies.
- 10.14 The previous prior approval consent issued under reference 06/20/0533/PAD had a much smaller redline area drawn tight to the building. This previous approval limited the level of residential curtilage created around the barn and minimised the loss of agricultural land.
- 10.15 The Great Yarmouth Design Code sets out recommended garden sizes for new dwellings. In the case of private gardens to detached homes, for a 4-bed home a minimum of 100sqm is expected to be provided, which is in excess to that as allowed under the permitted development rights of Class Q. Gardens are expected to be a minimum of 5m wide and provided in a single block. The proposed triangular section of garden area to the rear of the barn significantly exceeds this at approximately 700sqm. In this rural setting, where development is less dense and properties are characterised by larger garden areas, it is considered reasonable for the proposal to provide a larger curtilage than the minimum standards described by the Design Code. However, the level of overprovision sought directly increases to the harm to Policy CS6 by creating the loss of the best and most versatile agricultural land.
- 10.16 To address this, it has been negotiated with the applicant, that a meaningful section of the land around the building will not be used as residential curtilage but used to create an area of landscaping and biodiversity enhancement. The provision of this biodiversity enhancement and the visual benefits of additional suitable landscaping are considered to represent some degree of sustainability and community benefits that partially weigh against the harm created by the loss of agricultural land.

### Design, Form and Character

- 10.17 Core Strategy Policy CS09 expects new development to provide a high quality of design, in part stating that development should *“respond to, and draw inspiration from the surrounding area’s distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised, making efficient use of land and reinforcing the local identity”, and to “promote positive relationships between existing and proposed buildings”*.
- 10.18 Policy A2 of Local Plan Part 2 policies states that proposals for new housing development will be expected to demonstrate high quality design which reflects local distinctiveness and



creates attractive and functional environments. In doing so, proposals should consider the local context and immediate street scene, a good relationship with landscape features, sufficient consideration of parking and incorporation of suitable natural features and landscaping. This policy states that new homes must also be built to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings where practicable and discreet bin storage should serve all dwellings. The NPPF also requires that decisions should ensure that developments are to the highest quality of design and are visually attractive and sympathetic to local character. Great Yarmouth Design Code builds on the above and provides further guidance, in this case most relevant to materials, boundary treatments and landscaping.

- 10.19 Fleggburgh Neighbourhood Plan, Policy 2 states all new development within Fleggburgh must demonstrate high-quality design. New development should be well integrated into the landscape and maintain the quality of transition between the settled and agricultural landscape as well as protect the landscape setting of the Broads. Buildings of innovative contemporary design will also be welcomed, as long as their scale, materials and design reflect the predominant building characteristics and enhance their surroundings.
- 10.20 The proposed works to the building have changed the material of the roof to black concrete tiles and would introduce shiplap exterior cladding, fascias and bargeboard and new fenestration. In terms of material, whilst the village predominantly consists of mixed red brick and rendered dwellings, the black cladding is characteristic of agricultural buildings in a rural setting, and the Design Code includes cladding in dark tones as a material suitable for a rural setting. The proposal maintains a simple pitched roof and proposes no extensions which creates an appropriate form and maintains a farmstead design language.
- 10.21 The proposed parking would be considered to be successfully obscured from the surrounding street scene by virtue of the hedging to the front of the site. Post and rail fencing is proposed elsewhere on site which is considered to be a soft boundary treatment characteristic of the setting. Overall, there is not considered to be a significant adverse impact on the landscape setting, with the proposal maintaining an edge of settlement character and appearing appropriate in the context. It is considered necessary to remove permitted development rights for extensions, outbuildings and fencing in order to retain control over alterations which may erode the open character of the rural setting and the design of the barn conversion, which benefits from a simple, and in order to ensure accordance with policy CS11 which requires safeguarding and enhancement of the wider landscape character.

#### Impact on Historic Environment

- 10.22 The application site is located outside of Fleggburgh Conservation Area, but is in the setting of the Grade II Farmhouse “The Shrubbery”.
- 10.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.24 Policy CS10 of the Core Strategy requires the conserving and enhancing the significance of the borough's heritage assets and their settings, and policy E5 of the Local Plan Part 2 directs that proposals for development should seek to conserve and enhance the significance of heritage

assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area.

- 10.25 The Conservation Officer has been consulted on the application and has raised no objection to the proposal, stating that the proposal would offer an improvement to the setting of the Grade II listed Heritage Asset 'The Shrubbery', by virtue of the proposals design and materials.
- 10.26 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As the proposal is not considered to cause harm to the designated heritage asset, public benefit would not need to be provided. However, it is acknowledged that there is the benefit of provision of an additional dwelling toward the Council's housing supply.

#### Amenity

- 10.27 The NPPF and Core Strategy Policy CS9 expects development to protect the amenity of existing and future users of land. Policy A1 expands on this approach and states:
- Planning permission will be granted only where development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:*
- a. overlooking and loss of privacy;*
  - b. loss of light and overshadowing and flickering shadow;*
  - c. building and structures that will be overbearing;*
  - d. nuisance and disturbance from:*
    - waste and clutter*
    - intrusive lighting*
    - visual movement*
    - noise*
    - poor air quality (including odours and dust); and*
    - vibration.*
- 10.28 The barn is not sited immediately adjacent to any neighbouring properties and presents the conversion of an existing building, meaning that there would not be an increase in overshadowing, loss of light or an overbearing impact.
- 10.29 Whilst a mezzanine floor is proposed as part of the development, the windows and rooflights which serve this would be located to the north and east elevations, where there would be no harmful impacts created in terms of overlooking.
- 10.30 The proposal is not considered to give rise to any impacts as described under d), however given that Policy 6 of Fleggburgh Neighbourhood Plan states that development should seek to minimise light spillage through good design and should not introduce lighting that results in the loss of night-time dark skies, is considered reasonable to recommend a condition relating to the submission of details of any future external lighting proposed at the site.

### Highways

- 10.31 Core Strategy Policy CS16 expects that new development does not have an adverse impact on the safety and efficiency of the local road network for all users.
- 10.32 The proposal includes the retention of the existing field access, with adequate space provided to the front of the barn to accommodate the parking and turning for 3no. vehicles as required by Norfolk County Council Parking Standards.
- 10.33 Norfolk County Council have been consulted on the application and raise no objection subject to conditions relating to upgrading of the vehicular access, removal of some permitted development rights for gates/bollard chain/other means of obstruction and to condition that sufficient parking and turning is provided for 3no. vehicles.
- 10.34 It is acknowledged that the proposal site is to the edge of the settlement, where there is no existing footway into the village to the front of the property. However, given that there is less than 40m to the footway on the eastern side of Rollesby Road, which then continues into the village, it would not be considered necessary or reasonable to require the provision of additional off-site highways works to extend this. The character of the road in this location is an unmarked carriageway with low to moderate traffic, where the speed limit increases from 30mph to the national speed limit when departing the village travelling northwards, however traffic tends to remain at a lower speed initially by virtue of the narrower road and rural bends. The traffic has already begun to slow when entering the village travelling southwards.

### Ecology and landscaping

- 10.35 Whilst the proposal is not considered to result in an adverse impact on protected species, it is acknowledged that the proposal represents the opportunity to enhance the natural environment and contribute to the creation of biodiversity features, as in accordance with policy CS11 of the Core Strategy. The proposal would not be applicable for the mandatory provision of 10% Biodiversity Net Gain as introduced by the Government in April 2024, as the application was validated prior to this.
- 10.36 Whilst landscaping plans have not been submitted with the application, the applicant has agreed to providing biodiversity enhancement such as bird and bat boxes, as well as the retention of hedgerows and the planting of trees. It is considered that a suitable condition could secure these.

### Nutrient Neutrality

- 10.37 The site falls within the Nutrient Neutrality catchment area. As required by the Habitats Regulations, and as advised by Natural England's letter to Local Authorities in March 2022, new development comprising overnight accommodation such as new housing development, tourist accommodation and care homes within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. However, the applicant has confirmed that the property will be connected to the mains sewerage system, which is served by a treatment works which discharges outside of the catchment area. Therefore, there will be no effect and a habitat regulations assessment is not required for the purpose of nutrient neutrality.
- 10.38 It is considered necessary to include a condition requiring the development to be served by mains sewerage for the lifetime of the development.

### Habitat Mitigation

- 10.39 The site falls within the 400m to 2.5m protected habitats “Orange Zone”, and as such a template Habitat Regulations Assessment (HRA) has been submitted to assess the affects on the protected habitats. The Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy identifies that all residential development and tourist accommodation development within the Borough could give rise to recreational disturbance impacts on Habitats Sites, and that a financial contribution of £221.17 per new dwelling will provide mitigation for in-combination effects. This GIRAMS payment has been paid for this proposal, and therefore it is considered that the recreational impacts can be successfully mitigated against.

### Public Open Space

- 10.40 Policy H4 states that new residential developments will be expected to make provision for publicly accessible recreational open space based upon the following Borough-wide standards unless it can be demonstrated through the Council’s published evidence, or the submission of a more up-to-date open space assessment, that there is a sufficient local surplus of provision in the listed types of open space to meet the needs of existing residents and those arising from future occupiers of the proposal.
- 10.41 Great Yarmouth Open Space Assessment indicates that Fleggburgh has a deficit in all types of open space except from Accessible Natural Green Space. As such, an off-site contribution is considered to be required, which equates to £1,254.29 per dwelling in Fleggburgh. This will need to be paid to the Local Planning Authority prior to the decision being issued.

### Human Rights Act

- 10.42 The Human Rights Act can be a material consideration in the assessment of a planning application. Article 8 of the Human Rights Act protects individuals from the interference by a public authority to their private and family life, and home, except where it is necessary in accordance with specified wider public interests. Although they are intending to use the proposed barn conversion as their main family home, the applicant is not currently occupying the building. Any refusal to allow the occupation of the barn as a home, or a conditional approval that placed limits on how the property might be used, would be based on a need to protect the policies of the Council’s Local Plan and therefore on this basis it is not considered a refusal or conditional approval would represent a breach of the applicant’s Article 8 rights.

### Delays

- 10.43 The applicant has expressed concerns that delays from the Council in handling applications submitted prevented them from completing the to convert the barn within the time period specified under the prior approval consent in place. Following an investigation under the Council’s formal complaints process, the conclusion was that the situation of the Class Q consent falling away, was not a direct consequence of the Council’s actions. It was due to works being undertaken outside the scope of the permission, then a decision to wait until subsequent applications were determined before finalising the building.

### Planning Balance

- 10.44 In regard to procedural fairness, notwithstanding any delays, it is not considered that there was a reasonable expectation for the previous consents to be lawfully completed due to the time restrictions on the Class Q permissions. As such, there is no fallback position now that the previous prior approval consents have expired. The works that have been carried out on site are broadly in accordance with the previous planning consents, however any future works to progress or complete the previous prior approval permissions would be considered unauthorised works.
- 10.45 Therefore, whilst it is a material consideration that the works have commenced but have not been completed on site, the assessment has mainly considered the proposal against the adopted planning policy as a new proposal.
- 10.46 The proposal is considered to conflict with policy H7 as it does not present heritage or landscape value, and that the proposed curtilage is disproportionate in size to the existing barn. The proposal also conflicts with policy CS6(j) as the proposal would result in the loss of Grade 1 agricultural land.
- 10.47 However, these policy conflicts are partially offset through a combination of factors. The works have progressed on site under the previous planning consents and the likelihood of the barn returning to agricultural use or appearance. Complete on the works would better enhance the setting of the building. The Conservation Officer concludes the proposal would also enhance the setting of the Grade II Listed Farmhouse "The Shrubbery".
- 10.48 The agricultural land has already been severed from the agricultural unit through the sale of the barn with the previous prior approval permission. The impacts of the loss of the agricultural land are being addressed by limitation of the domestic curtilage and the addition of landscaping and biodiversity enhancement.
- 10.49 As such, on balance, it is considered that the proposal could provide additional benefits to outweigh the policy conflict.

## **11. Conclusion**

- 11.1 Having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS9, CS10, CS11, CS13, CS15 and CS16 from the adopted Core Strategy, and policies A1, A2, E1, E5 and I1 and I3 from the adopted Local Plan Part 2. Whilst there is conflict with policies H7 and CS6(j), on balance, the proposed mitigations secured by conditions, and benefits of the scheme are considered to outweigh the policy conflict.

## **12. Recommendation**

- 12.1 It is recommended that the Committee delegate authority to the Head of Planning to APPROVE the application 06/24/0125/F and grant full planning permission subject to:
- a) Receipt of a contribution towards open space in the amount of £1,254.29; and
  - b) The conditions listed below (to be modified as necessary).

## Conditions

### In accordance with plans

1. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 15 April 2024:
  - Combined Location Plan, Site Plan, Elevations
  - Red Line Site Plan
  - Completed application form

Reason: For the avoidance of doubt.

### Foul drainage

2. The development shall be connected to the mains sewer network for the disposal of foul drainage from this development and there shall be no other means of foul drainage disposal. The development shall thereafter remain connected.

Reason: To ensure there is no detrimental impact on internationally protected wildlife sites in accordance with policies CS11 and GSP5, and to secure the mitigation required to allow the development to pass the Appropriate Assessment required by the Conservation of Species and Habitats Regulations 2017 (as amended).

### External Lighting

3. Notwithstanding the provisions under the Town and Country (General Permitted Development) (England) Order 2015, no external lighting shall be installed on site without the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy 6: Dark Skies of Fleggburgh Neighbourhood Plan.

### Boundary Treatment

4. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 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), other than the post and rail fencing to a maximum height of 1.2 metres, as specified by the application form, shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity and landscape impact, as in accordance with policy CS9 and Great Yarmouth Borough Wide Design Code.

#### Removal of PD rights for Classes A, B, C, D E and G

5. No enlargement, improvement or other alterations of the dwelling [Class A]; no additions or alterations to the roof/s [Class B & C]; no provision of porches [Class D]; nor the provision within the curtilage of the dwelling of any building or enclosure, swimming or other pool [Class E]; or chimneys, flues or soil and vent pipes [Class G] or any other works as defined by Classes A, B C, D, E and G of Part1 of Schedule 2 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), shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the local planning authority.

Reason: In the interests of the satisfactory appearance of the development in accordance with policies CS9 of the Core Strategy, A2 of Local Plan Part 2, and Policy 5 of Fleggburgh Neighbourhood Plan.

#### Landscaping and Biodiversity Enhancement

6. Prior to the first occupation of the dwelling hereby permitted, permission, a landscaping and biodiversity enhancement scheme shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include:
  - a) indications of all proposed planting, including species and size;
  - b) details of any landscape features or hedgerows to be retained, together with measures for their protection in the course of development;
  - c) plans detailing the biodiversity enhancement measures proposed to be installed, and their location(s) on the site, together with a means of enclosure to separate them from areas of domestic curtilage;
  - d) an Implementation Plan detailing the specification and timings for all works to implement the scheme; and
  - e) a Management Plan detailing how the landscaping and biodiversity enhancement features are to be maintained in perpetuity.

The landscaping and biodiversity enhancement measures shall thereafter be carried out in strict accordance with the approved Implementation Plan (d), and the landscaping and biodiversity enhancement measures thereafter retained and maintenance in accordance with the approved Management Plan (e).

Reason: In the interests of the sustainability and the visual amenities of the locality.

Informative: It is anticipated that biodiversity enhancement measures are provided in the form of bird, owl and bat boxes, beneficial planting and the creation of potential habitats. It is anticipated that a meaningful section of the land will be excluded from the residential curtilage will provide landscaping and biodiversity enhancements.

#### Upgrading of Access

7. Prior to the first occupation of the dwelling hereby permitted, vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be

intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

#### No means of Obstruction Across Access

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

#### Parking to be Laid Out

9. Prior to the first occupation of the development hereby permitted space sufficient to the satisfaction of the Local Planning Authority shall be provided within the site to enable three cars to park, turn and re-enter the highway in forward gear. This area shall be laid out, demarcated, levelled, surfaced, drained and be retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

#### Informative Notes

1. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact [developer.services@norfolk.gov.uk](mailto:developer.services@norfolk.gov.uk)

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.



**APPENDIX 1: Site Location Plan**

